

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

OCTOBER 25, 2002

(Published November 2, 2002,
in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

October 25, 2002 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Niziolek, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, President Ostrow.

Lilligren moved acceptance of the minutes of the regular meeting held October 11, 2002. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COORDINATOR (268285)

Focus Minneapolis: Receive & File Status Report.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268286)

Catholic Eldercare Community Foundation (817 and 909 Main St NE): Issue health care facilities tax-exempt refunding revenue bonds to refund existing bonds, waive minimum rating of health care facilities revenue bond policies, suspend payment in lieu of taxes (PILOT) agreement.

Catholic Eldercare at St. Hedwigs Senior Assisted-Living Housing Project (29th Avenue NE & Randolph Street NE): Issue tax-exempt multifamily housing revenue bonds to finance assisted living units.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268287)

Greater Minneapolis Crisis Nursery: Issue tax-exempt bank-direct MCDA revenue bonds to relocate the nursery to 4544 Fourth Avenue S.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268288)

Second Street Loft Apartments Project (129 North Second Street): Issue multifamily housing revenue bonds to refund existing bonds.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268289)

Volunteers of America: Approval by Hennepin County Housing & Redevelopment Authority to undertake project & approve Housing Finance Program and issuance of multifamily housing revenue bonds for rental housing and commercial/retail space.

Allina Health System (Abbott Northwestern Hospital Project) (800 E 28th St & 2215 Park Avenue): Issue tax-exempt health care system revenue bonds to construct new facilities at Abbott-Northwestern Hospital.

Friends School of Minnesota (1365 Englewood Avenue, St. Paul): Issue tax-exempt bank-direct MCDA revenue bonds to refinance existing bonds.

COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS (See Rep):

GRANTS AND SPECIAL PROJECTS (268290)

Transportation Equity Act (TEA-21) Affordable Housing Enhancement Demonstration Grant Funds: Submit grant applications to Metropolitan Council.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268291)

Development Funding Cycles: Approve process for implementing cycles to facilitate comparison of development proposals.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268292)

Mill City Museum: Cooperative Agreement with Hennepin County.

Environmental Grants: Submit grant applications to Metropolitan Council, Minnesota Department of Trade & Economic Development and Hennepin County.

Environmental Response Grant: Accept grant from Hennepin County for 628 E Franklin & grant agreement.

Scattered Site Tax Increment: Appropriate funds for reimbursement to developer for extraordinary development and soil correction costs relating to 2630 35th St E and 3010 39th St E.

HUMAN RESOURCES (268293)

Interim Director of Community Planning and Economic Development Position: Approve new Classification and Salary Ordinance.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (268294)

Transfer of NRP Funds to Youth Coordinating Board: Approve transfer.

HEALTH AND HUMAN SERVICES:

ATTORNEY AND CIVIL RIGHTS (268295)

Civilian Police Review Authority: Update on redesign process.

HEALTH AND FAMILY SUPPORT SERVICES (268296)

Small and Underutilized Business Program: Response to question of Mr. Ron Edwards regarding employment and training contract.

Minneapolis Urban Indian Director's Group: Proposed Memorandum of Understanding providing a framework for better resolving issues that impact the urban indian community.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (268297)

Welfare-To-Work Program: Contract with Hennepin County to receive funds for case management services.

Public Health Advisory Committee: Appointment of Lisa Edstrom as community clinics representative.

HEALTH AND HUMAN SERVICES and PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

COUNCIL MEMBER LILLIGREN (268298)

Mediation Plan Regarding Law Enforcement Policies and Procedures: Proposed elements of a federal mediation proposal.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

LICENSES AND CONSUMER SERVICES (268299)

Environmental Response Funds: Accept funds from Hennepin County for lead hazard reduction at 2222 Emerson Av N and 4219 2nd Av S.

INTERGOVERNMENTAL RELATIONS:

HUMAN RESOURCES (268300)

City of Mpls Appointed Positions: Recommendation to add the "Repeal of Minnesota Statutes establishing City of Mpls Appointed Positions" to IGR legislative agenda; recommend passage of a bill that allows the City Council to create unclassified positions by ordinance; & authorize appropriate terms & conditions of employment for such positions.

UNIVERSITY OF MINNESOTA (268301)

Proposed Gophers-Vikings Football Stadium: Powerpoint presentation.

INTERGOVERNMENTAL RELATIONS (See Rep):

CHARTER COMMISSION (268302)

Line of Succession in Mpls: Ordinance amending Chapter 3, Section 2 of Mpls City Charter, establishing the line of succession for the Mayor & City Council President in Mpls.

INTERGOVERNMENTAL RELATIONS (268303)

League of Minnesota Cities: Top five priorities from the City for the next legislative session.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

ATTORNEY (268304)

Cafe Bicko - Green Mill Pizza (4501 France Av S): Deny application for On-Sale Liquor Class C-1 with Sunday Sales License; with petition attached.

INSPECTIONS DEPARTMENT (268305)

Housing Reinspection Fees: Ordinance amending Title 3, Chapter 244 of Code relating to Housing: Maintenance Code increasing the reinspection fee from \$50 to \$100 for Housing Inspection services.

Minneapolis/Hennepin County Collaborative on Vacant, Boarded and Tax Forfeit Buildings and Properties: Receive & File interim report summary; and Transmit proposed Memorandum of Understanding between Hennepin County and Minneapolis Community Development Agency to MCDA Board of Commissioners.

LICENSES AND CONSUMER SERVICES (268306)

Vannandy's Restaurant & Nightclub (3003 27th Av S): Deny renewal of On-Sale Wine Class A with Strong Beer License due to outstanding tax delinquency with Minnesota Department of Revenue.

Sportsmans Pub (2124 Como Av): Operating conditions for On-Sale Wine Class D with Strong Beer License.

B.C. (415 Nicollet Mall): Operating conditions for On-Sale Liquor Class B with Sunday Sales License.

Licenses: Applications.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (268307)

School Liaison Officers: Execute contract with Special School District No 1 to provide Liaison Officers to middle schools, high schools or selected K-8 schools from July 1, 2002 to June 30, 2003.

COPS Creating a Culture of Integrity Grant: Accept grant award of \$125,000 and execute grant agreement with United States Department of Justice to provide funds to Police Department to strengthen police integrity through training and program development to enhance early intervention system; and Approve appropriation.

Violence Against Women Act Grant: Execute amendment to grant agreement with Minnesota Department of Public Safety to extend grant period to February 15, 2003 to allow for expenditure of entire grant award to enhance investigation and prosecution of domestic violence crimes.

PURCHASING (268308)

Bid for Computerized Video Document Examiner: Accept bid submitted by Foster and Freeman Ltd to furnish and deliver computerized video document examiner to Police Department.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (268309)

50th St W & France Av S Parking Facility: Set public hearing to consider the assessment for the 2003 operation and maintenance cost.

Special Service District: Set public hearing to consider 2003 services and service charges for the Uptown, Dinkytown, Central Av, Nicollet Av S, Stadium Village & S Hennepin Districts.
Hennepin Av One Way versus Two Way Study: Received and File.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (268310)

Light Rail Transit: Approve architectural screening plans for Traction Power Substations 10 and 13.

Energy Tracking Analysis Program: Authorize an agreement with Xcel Energy for services under the Info-wise Monitor and Monitor Plus programs.

Professional Service Agreement: Authorize an Amendment No 1 to Agreement No 17493, with Wayne Pieske to provide computer support services for Equipment Division's M4 management system and Public Works Domain network.

Minneapolis Central Business District (CBD): Authorize Transportation & Parking Services to solicit proposals for engineering services to develop traffic signal timing plan.

PUBLIC WORKS AND ENGINEERING (268311)

Water and Sewer Service Line Repairs or Replacements: Adopt assessments and assessment rolls.

Snow & Ice Removal from Public Sidewalks: Adopt assessments & assessment rolls.

Public Sidewalk Repair and Construction: Adopt assessments and assessment rolls.

Ordinance Amendment: Traffic Code: Parking, Stopping and Standing, Snow Emergency Regulation to allow cars to park as soon as the street has been fully plowed.

Amending Resolutions: Lighting Projects reduce special assessment & adopting amended assessment rolls; Field Regina Area, Hennepin (Franklin-Groveland), Central Neighborhood Phase III, Washington Av N Reconstruction, and Golden Valley Rd Street Lighting Projects.

Dinkytown Special Service District Advisory Committee: Appointment of members, with terms to expire October 25, 2004.

Nicollet Av S Special Service District Advisory Committee: Appointment of members, with terms to expire December 31, 2002.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (268312)

Lyn/Lake Municipal Parking Lots: Adopt special assessments, levying the assessments, adopting the assessment rolls.

Light Rail Transit: Authorize to execute documents to convey the portions of 4th Street/Chicago Av parking lot.

GFI America, Inc: Authorize Agreement and Release serving GFI's facility at 2817 Blaisdell Av; Resolution increasing the Sewer Rental Fund; and Resolution designating the Sewer Rental Fund Public Works Sewer Maintenance.

East Calhoun Neighborhood Bicycle Racks: Amending the 2002 Capital Improvement appropriation resolution.

Bids: Accept OP #5955, low bid of Monette Construction Company, Inc for construction of Loring Greenway playground; and OP #5956, low bid of Global Specialty Contractors, Inc for West Side Improvement Project - Grant Street East.

Yard and Leaf Processing: Authorize increase contract with NRG for an existing contract.

PUBLIC WORKS AND ENGINEERING (268313)

South Transfer Station: Authorize extend contract and dollar limitations to existing contract with Waste Management, Inc.

Downtown Circulator Bus Purchase: Authorize execution of Amendment No 1 with the Metro Council for buses from Nicollet Mall Shuttle Grant Funds; and Resolution amending 1999 Capital Appropriation for the purchase of buses.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (268314)

Legal Settlement: Claim of Elizabeth Lewis, et al.

Salary Step Authorization: Authorize Step "C" of the Appointed Officials Compensation Schedule for Dana Banwer when appointed as Deputy City Attorney, Criminal Division.

CONVENTION CENTER (268315)

Convention Center Expansion Project Construction Change Orders: Increase contracts with Twin City Acoustics, Kellington Construction, Premier Electrical Corporation and Grazzini Brothers & Company.

COORDINATOR (268316)

New Central Library Project: Schematic design approval and sale of bonds for the library and parking facility.

New Central Library Project: Accept low bid of F. M. Frattalone and Grading, Inc. for abatement and deconstruction of former library facility.

FINANCE DEPARTMENT (268317)

Bond Funding for Pension Funds: Request Board of Estimate to act as agent in awarding general obligation bonds for a portion of the City's pension obligations to the Minneapolis Employees Retirement Fund (MERF) and Minneapolis Police Relief Association (MPRA).

Capital Funding for Water Works Ultrafiltration Project: Early adoption of 2003 capital funding, submission of application to participate in Drinking Water Revolving Fund program for special financing and request to Board of Estimate and Taxation to incur additional general obligation debt.

HUMAN RESOURCES (268318)

Reclassification of Committee Clerk Position.

Labor Agreement with International Brotherhood of Electrical Workers, Local 292: Approve summary of collection bargaining agreement and direct execution of agreement.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (268319)

Public Health Programming: Contract with Hennepin County to provide technical services for "A Public Health Journal" program and receipt of revenue for costs.

Master Contracts: Amendments to master contract with On Demand Group to increase individual scope for Thomas Hielsberg and Scott Young.

ZONING AND PLANNING (See Rep):

CITY CLERK/SPECIAL PERMITS (268320)

1st Av N, 701 (First Avenue) roof sign;

24th St E, 912 (Excelsior Development) to allow A-West Market to be occupied.

PLANNING COMMISSION/DEPARTMENT (268321)

Vacation:

Abbott Northwestern Hospital: Application to vacate water main & sewer line easements under vacated Elliot Ave.

PLANNING COMMISSION/DEPARTMENT (268322)

Waiver Applications: Hassan Al-mosawy, dba Brothers Food Market (3453 Penn Ave N);Taher Ibrahim, dba Gas N' Snack (2600-06 Penn Ave N).

Appeal: Steve Young (3717 W 50th St/5011 Ewing Ave S): Appeal from Planning Commission decision denying variances, condition on site plan review.

Rezoning: Steve Young (3717 W 50th St/5011 Ewing Ave S) (See appeal staff report);Belai Mergia (3860 Minnehaha Ave S).

MOTIONS (See Rep):

PUBLIC WORKS AND ENGINEERING (268323)

Uptown Special Service District Advisory Committee: Appointments.

FILED:

CITY CLERK/SPECIAL PERMITS (268324)

1st Av N, 600 (Target Center) circus animals;

10th & Franklin (Johmar Farms) horse & carriage;

26th Av S, 2560 (Arrow Sign) sign;
Cedar Av S, 4141 (Martin Orensten) sign;
Nicollet Av S, 2750 (Sign A Rama Minneapolis) sign.
PARK BOARD (268325)
Minneapolis Park & Recreation Bd, Superintendent's Report 2001.
EXCEL ENERGY (268326)
Xcel Energy/NSP: Installation of various poles and cables.

FILED (See Rep):

PLANNING COMMISSION/DEPARTMENT (268327)
Minneapolis Central Library Project: Options presented at Committee of the Whole. (See W&M/
Budget Report #11)
EXCELSIOR DEVELOPMENT, LLC (268328)
Special Permit: Application of John Bergin, Chief Manager, Excelsior Development, LLC, 912 E 24th
St, to allow "A-West Market" section of Village Market building to be occupied with market shops. (See
Z&P Report #5).
LARRY LEVENTHAL & ASSOCIATES (268329)
Hassan Al-Mosawy, dba Brothers Food Market (3453 Penn Av N): Application for waiver from
moratorium on grocery stores in C1 & C2 districts to establish new store. (See Z&P #1)
PARENTS IN COMMUNITY ACTION INC (268330)
Greater Minneapolis Crisis Nursery Project: Letter providing additional information relating to
Council action. (See CD #7)

**REPORTS OF
STANDING COMMITTEES**

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee recommends concurrence with the recommendation of the Interim
Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage
and summary publication of the accompanying resolution approving a Housing Finance Program for a
multifamily housing development at 1900 Central Avenue by the Volunteers of America of Minnesota,
and granting preliminary approval to issue up to \$5,900,000 in 501(c)(3) multifamily revenue bonds to
assist in financing said project.

Your Committee further recommends passage and summary publication of the accompanying
resolution, approving the undertaking of said project within the City of Minneapolis by the Hennepin
County Housing and Redevelopment Authority (HRA), and granting the exercise of powers of the
Hennepin County HRA to cooperate with the City and the MCDA with respect to said project.

Your Committee further recommends that this action be transmitted to the Board of Commissioners
of the MCDA.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-365, approving a Housing Finance Program for a multifamily housing development
at 1900 Central Avenue by the Volunteers of America of Minnesota, and granting preliminary approval
to issue up to \$5,900,000 in 501(c)(3) multifamily revenue bonds to assist in financing the housing
development, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the
Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-365

By Goodman

Approving a Housing Finance Program for a multifamily housing development pursuant to Minnesota Statutes, Chapter 462C.

Whereas, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act") and Sections 422.10 through 422.190 of Title 16 of the Minneapolis Code of Ordinances, the City of Minneapolis, Minnesota (the "Issuer") is authorized to carry out programs for the financing of multifamily housing which is affordable to persons of low and moderate income; and

Whereas, Volunteers of America, a 501(c)(3) organization (the "Owner") has proposed that the Issuer undertake a multifamily development pursuant to the Act and a Multifamily Housing Development Program (the "Program") to finance the acquisition, construction and equipping by Owner, of a facility containing approximately 51 residential rental units for low and moderate income persons and families and approximately 7,000 square feet of commercial/retail space located at 1900 Central Avenue in the City of Minneapolis (the "Project") and to issue up to \$5,900,000 of multifamily housing revenue bonds (the "Bonds") to finance the Program; and

Whereas, the Issuer has conducted a public hearing regarding the Program for which fifteen day's notice was duly published in a newspaper of general circulation in the City of Minneapolis; and

Whereas, a copy of the Program was provided to the Metropolitan Council at or prior to the time notice of the public hearing was published; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1) That the Program is hereby approved in all respects for purposes of the Act.

2) Be It Further Resolved that the Executive Director of the Minneapolis Community Development Agency (MCDA) or his designee is hereby authorized and directed to take such actions as may be necessary or convenient to carry out the Program.

3) Be It Further Resolved that the issuance of revenue bonds pursuant to the Program shall be subject to final approval by the Issuer of the terms and conditions thereof. The approval of the Program shall not constitute an irrevocable commitment on the part of the Issuer to issue the Bonds.

4) Be It Further Resolved that this Resolution shall become effective upon its adoption, approval and publication.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-366, approving the undertaking of a housing development project at 1900 Central Avenue by the Volunteers of America of Minnesota, and granting the exercise powers of the Hennepin County Housing and Redevelopment Authority, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-366

By Goodman

Approving the undertaking of a project within the City of Minneapolis by the Hennepin County Housing and Redevelopment Authority pursuant to Minnesota Statutes, Section 469.005.

Whereas, Volunteers of America, a 501(c)(3) organization (the "Owner") proposes to construct a facility containing approximately 51 residential rental units for low and moderate income persons and families and approximately 7,000 square feet of commercial/retail space located at 1900 Central Avenue in the City of Minneapolis (the "Project"); and

Whereas, the Project will constitute a housing development project under Minnesota Statutes, Section 469.001 through 469.047 (the "Act"); and

Whereas, the Owner has requested that the City issue housing revenue bonds under Minnesota Statutes, Chapter 462C to finance the acquisition, construction and equipping of the Project and that the City and the Minneapolis Community Development Agency (the "Agency") approve a tax increment financing district which includes the Project to finance a portion of the project costs; and

Whereas, the Hennepin County Housing and Redevelopment Authority (the "County Authority") proposes to exercise its powers under the Act to cooperate with the City and the MCDA with respect to the development of the Project; and

Whereas, on the date hereof the City and the MCDA have jointly conducted a public hearing regarding the exercise by the County Authority of its powers under the act with respect to the Project for which at least 10, but not more than 30, day's notice was duly published in a newspaper of general circulation in the City;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City declares that there is a need for the County Authority to exercise its powers under the Act with respect to the Project, for purposes of Minnesota Statutes, Section 469.005.

Be It Further Resolved that this Resolution shall become effective upon its adoption, approval and publication.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee, having under consideration the Allina Health System Project, and having held a public hearing on October 17, 2002 thereon, notice of which was published in Finance and Commerce on September 28, 2002, now recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying Resolution, authorizing the issuance and sale of revenue bonds of the City on behalf of Allina Health System, granting preliminary and final approval to the issuance of up to \$250,000,000 in 501(c)(3) tax-exempt health care system revenue bonds for the Allina Health System.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-367, granting preliminary and final approval to issue up to \$250,000,000 in 501(c)(3) tax-exempt health care system revenue bonds for the Allina Health System, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-367

By Goodman

Authorizing the issuance and sale of Revenue Bonds of the City on behalf of Allina Health System, and the execution of documents.

Whereas, this Council has received a proposal that the City of Minneapolis (the "City") issue its revenue bonds (the "Bonds") under Minnesota Statutes, Sections 469.152 to 469.165 (the "Act") for the purposes of (a) financing a portion or all of the cost of a proposed project (the "Project"), on behalf of Allina Health System, a Minnesota nonprofit corporation (the "Corporation"), (b) funding a deposit to the debt service reserve fund securing the Bonds, and (c) paying certain costs of issuance of the Bonds; and

Whereas, the Project consists of:

(a) Acquisition and installation of items of equipment and the remodeling and improvement of the following existing facilities of the Corporation:

Abbott Northwestern Hospital, located at 800 East 28th Street, Minneapolis, Minnesota (the "Abbott Hospital Site");

Mercy Hospital, located at 4050 Coon Rapids Boulevard, Coon Rapids, Minnesota (the "Mercy Hospital Site");

Phillips Eye Institute, located at 2215 Park Avenue, Minneapolis, Minnesota (the "PEI Site"); and

Unity Hospital, located at 550 Osborne Road, Fridley, Minnesota (the "Unity Hospital Site");

(b) Construction of an eight-story addition to Abbott-Northwestern Hospital for restructuring and expansion of cardiology services and other use at the Abbott Hospital Site; construction of a three-story addition to Abbott-Northwestern Hospital for expansion of orthopedic and neurosurgical services at the Abbott Hospital Site; construction of a three-story addition to Mercy Hospital for expansion of cardiology services at the Mercy Hospital Site; construction of an ambulatory services center at the PEI Site; and construction of a 1,000 stall parking ramp in the vicinity of the southeastern corner of the intersection of Chicago Avenue South and East 28th Street in the City to serve the Abbott Hospital Site; and

(c) Acquisition and installation of information technology hardware and software at: 2750 Park Avenue, Minneapolis, Minnesota; the Abbott Hospital Site; the PEI Site; the Mercy Hospital Site; and the Unity Hospital Site; and

Whereas, at a public hearing, duly noticed and held on October 17, 2002, in accordance with the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended, on the proposal to undertake and finance the Project, all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal to undertake and finance the Project, and interested persons were given the opportunity to submit written comments to the City Clerk before the time of the hearing; and

Whereas, this Council hereby finds that the issuance and sale of up to \$250,000,000 aggregate principal amount of the Bonds in one or more series under the authority contained in the Act to finance the Project would promote the purposes contemplated and described in Section 469.152 of the Act and further promote the public purposes and legislative objectives of the Act by providing health care services at the lowest possible cost to residents of the City and surrounding area is in the best interest of the City and the City hereby determines to issue and sell such Bonds; and

Whereas, pursuant to a Joint Powers Agreement (the "Joint Powers Agreement") to be entered into by the City, the City of Coon Rapids ("Coon Rapids") and the North Suburban Hospital District, Anoka and Ramsey Counties ("NHSD") pursuant to Minnesota Statutes, Section 469.155, subdivision 9, and Minnesota Statutes, Section 471.656, subdivision 2(4), Coon Rapids and NHSD will consent to the issuance of the Bonds by the City to finance the portions of the Project located in their jurisdictions; and

Whereas, the proceeds of the Bonds will be lent (the "Loan") by the City to Corporation, in order to finance all or a portion of the cost of the Project, to fund a debt service reserve fund for the Bonds and to pay certain costs of issuance of the Bonds; and

Whereas, pursuant to one or more Loan Agreements (whether one or more, the "Loan Agreement"), to be entered into between the City and Corporation, a draft of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary, Corporation will issue to the City its Obligation or Obligations (whether one or more, the "Obligations"). The Obligations will be issued under the Master Trust Indenture (the "Master Indenture"), dated as of October 1, 1998, between Corporation and Wells Fargo Bank Minnesota, National Association, formerly known as Norwest Bank Minnesota, National Association, as trustee (the "Master Trustee"), as supplemented and amended by the Eighth Supplemental Master Indenture (the "Eighth Supplemental Indenture") to be entered into between Corporation and the Master Trustee. Under the Obligations Corporation will unconditionally agree to repay the Loan made by the City under the Loan Agreement in specified

amounts and at specified times sufficient to make the necessary payments of principal of, premium, if any, and interest on the Bonds, when due. In addition, the Loan Agreement contains provisions relating to the payment by Corporation of administrative costs of the Bond Trustee (as hereinafter defined), the administrative fee of the City, indemnification, insurance and other agreements and covenants which are required by the Act or which are permitted by the Act and which the City and Corporation deem necessary or desirable for the sale of the Bonds; and

Whereas, pursuant to one or more Indentures of Trust (whether one or more, the "Bond Indenture") to be entered into between the City and Wells Fargo Bank Minnesota, National Association, as Trustee (the "Bond Trustee"), a draft of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary, the City assigns and pledges all of its right, title and interest in the Loan Agreement (other than the right of the City for indemnification and administrative expenses), the Obligations, the Master Indenture and the Supplemental Indenture to the Bond Trustee. In addition, the Bond Indenture, among other things, sets the interest rates, maturity dates and redemption provisions for the Bonds, establishes the various funds and accounts for the deposit and transfer of money and contains other provisions which are required by the Act or which are permitted by the Act and which the City and Corporation deem necessary or desirable in connection with the sale of the Bonds; and

Whereas, the Bonds will be special limited obligations of the City payable solely from amounts payable by Corporation under the Obligations, other than to the extent payable from the proceeds of the Bonds. The Bonds shall not be payable from or charged upon any funds other than the revenue pledged to the payment thereof, nor shall the City be subject to any liability thereon. No holder or holders of any Bond shall ever have the right to compel any exercise of the taxing power of the City to pay any such Bond or the interest thereon, nor to enforce payment thereof against any property of the City except the Obligations. The Bonds shall not constitute a debt of the City within the meaning of any charter, constitutional or statutory limitation; and

Whereas, the Bonds will be purchased from the City by Merrill Lynch & Co., U.S. Bancorp Piper Jaffray Inc. and RBC Dain Rauscher Incorporated (the "Underwriters") pursuant to one or more Contracts of Purchase (whether one or more, the "Bond Purchase Agreement") between the City, Corporation and Merrill Lynch & Co., on behalf of itself and the other Underwriters, a draft of which has been presented to the Council at this meeting and which has been reviewed to the extent deemed necessary; and

Whereas, a draft of a Preliminary Official Statement related to the Bonds has been presented to the Council at this meeting and has been reviewed to the extent deemed necessary. The Preliminary Official Statement will be distributed by the Underwriters to potential purchasers of the Bonds;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That in order to provide for the financing of all or a portion of the costs of the Project, the City hereby authorizes the issuance of the Bonds as revenue bonds under the Act in one or more series, in the aggregate principal amount of up to \$250,000,000 (exclusive of any portion representing original issue discount). The Mayor, the City Clerk and the City Finance Officer are hereby authorized to approve the purchase price of the Bonds, provided that the purchase price equals or exceeds 98% of the principal amount is not in excess of \$250,000,000 (exclusive of any portion representing original issue discount); the maturity schedule of the Bonds, provided that the Bonds mature at any time or times in such amount or amounts not exceeding 30 years from the date of issuance thereof; the provisions for prepayment and redemption of the Bonds prior to their stated maturity; and the interest rates of the Bonds for any series of Bonds which bear interest at a fixed rate to maturity, provided that no interest rate on such fixed rate Bonds exceeds 7.00% per annum. Such approval shall be conclusively evidenced by the execution of the Bond Purchase Agreement as provided herein. The issuance of the Bonds to finance the Project shall be subject to approval of the Project by the Minnesota Department of Trade and Economic Development (the "Department").

Be It Further Resolved that each Bond shall be executed on behalf of the City by the manual or facsimile signatures of the Mayor, the City Clerk and City Finance Officer, and its corporate seal (which may be in facsimile) shall be thereunto affixed, imprinted or engraved. The Bonds when executed and delivered shall contain a recital that they are issued pursuant to the Act. The Bond Trustee is hereby designated as authenticating agent pursuant to Minnesota Statutes, Section 475.55. If any of the officers who shall have signed or sealed any of the Bonds shall cease to be such officers of the City before

the Bonds so signed and sealed shall have been actually authenticated by the Trustee or delivered by the City, such Bonds nevertheless may be authenticated, issued and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds had not ceased to be such officer or officers of the City.

Be It Further Resolved that the Bond Indenture, the Loan Agreement, and the Joint Powers Agreement are hereby made a part of this Resolution as fully as though set forth in full herein and are hereby approved in the form submitted to this meeting, and the Mayor, City Clerk and City Finance Officer are hereby authorized and directed to execute, acknowledge and deliver the Bond Indenture, the Loan Agreement and the Joint Powers Agreement on behalf of the City with such changes, insertions and omissions therein as do not change the substance of the Bond Indenture, Loan Agreement or the Joint Powers Agreement and as may be approved by the Mayor, City Clerk and City Finance Officer, such approval to be evidenced conclusively by their execution of the Bond Indenture, the Loan Agreement and the Joint Powers Agreement.

Be It Further Resolved that the City hereby consents to the distribution by the Underwriters to potential purchasers of the Bonds of a Preliminary Official Statement in substantially the form submitted to the Council at this meeting, and the distribution by the Underwriters of an official statement by the Underwriters to purchasers of the Bonds in substantially the form of the Preliminary Official Statement. The City has not and will not participate in the preparation of the Preliminary Official Statement and has made no independent investigation with respect to the information contained therein or in the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy or completeness of such information.

Be It Further Resolved that the Bond Purchase Agreement is hereby made a part of this Resolution as fully as though set forth in full herein and is hereby approved in the form submitted to this meeting and, upon the determination of the terms of the Bonds (within the limitations set forth herein) and the execution of the Bond Purchase Agreement by Corporation and by Merrill Lynch & Co., on behalf of itself and the Underwriters, the Mayor, City Clerk and City Finance Officer are hereby authorized and directed to execute the Bond Purchase Agreement on behalf of the City, with such further changes, insertions or omissions therein as do not change the substance of the Bond Purchase Agreement and as may be approved by the Mayor, City Clerk and City Finance Officer, such approval to be evidenced conclusively by their execution of the Bond Purchase Agreement.

Be It Further Resolved that the Mayor, the City Clerk, the City Finance Officer and all other officers of the City are hereby authorized and directed to execute and deliver all other documents which may be required under the terms of the Bond Indenture, the Loan Agreement, the Joint Powers Agreement or the Bond Purchase Agreement, and to take such other action as may be required or appropriate for the performance of the duties imposed thereby or to carry out the purposes thereof.

Be It Further Resolved that in the absence or disability of the Mayor, the City Clerk, the City Finance Officer or any other officer of the City named in any instrument to be executed on behalf of the City in connection with the issuance of the Bonds, the acting Mayor, Assistant City Clerk, Deputy Finance Officer or other officer may execute such instrument. The execution of any instrument by an officer of the City shall be conclusive evidence of its approval.

Be It Further Resolved that the City Finance Officer is hereby designated for all purposes of the Loan Agreement, the Bond Indenture and the Bond Purchase Agreement as the City official authorized to execute on behalf of the City certificates, requests or consents as provided in the Loan Agreement, the Bond Indenture and the Bond Purchase Agreement.

Be It Further Resolved that the Bonds are hereby designated "Program Bonds" and are determined to be within the "Health Care Program" and the "Program", all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee, having under consideration the Friends School of Minnesota, located at 1365 Englewood Avenue, St. Paul, Minnesota, and having held a public hearing on October 17, 2002 thereon, notice of which was published in Finance and Commerce on September 28, 2002, now recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying Resolution giving preliminary and final approval to and authorizing a project on behalf of Friends School of Minnesota, and authorizing the issuance of tax-exempt 501(c)(3) bank direct MCDA revenue bonds, in an amount not to exceed \$1,200,000 to finance existing bonds.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA to grant the required preliminary and final approval to issue said bonds.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 29, 2002)

Resolution 2002R-368, giving preliminary and final approval to and authorizing a project on behalf of Friends School of Minnesota, and authorizing the issuance of up to \$1,200,000 in 501(c)(3) bank direct MCDA revenue bonds to finance existing bonds, was passed October 25, 2002 by the City Council and approved October 25, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-368

By Goodman

Giving preliminary and final approval to and authorizing a project on behalf of Friends School of Minnesota (the "Company"), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue bonds for the purpose of providing financing for the acquisition, construction and installation of projects consisting of properties, real or personal, used or useful in connection with a revenue-producing enterprise, whether or not operated for profit; and

Whereas, it has been proposed that the Agency issue a revenue bond in the amount of not to exceed \$1,200,000 (the "Bond") to refinance a building containing a K-8 school located in the City of St. Paul (the "Project"); and

Whereas, the Agency and the City of St. Paul will enter into a Joint Powers Agreement to enable the financing of the Project by the Agency; and

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest at an initial interest rate not to exceed five and one-half percent (5.50%) per annum, shall have a final maturity date not later than December 1, 2027, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in the principal amount of approximately \$1,200,000 for the purpose of financing the Project.

That the Bond is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City

adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying resolution adopting a housing program for the Second Street Loft Apartments Project and giving preliminary approval to the issuance of multifamily housing revenue refunding bonds, in an amount not to exceed \$6,250,000 to finance the costs of the Multifamily Housing Program.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-369, adopting a housing program for the Second Street Loft Apartments Project and giving preliminary approval to issue multifamily housing revenue refunding bonds of \$6,250,000 to finance the costs of the Multifamily Housing Program, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-369
By Goodman

Adopting a housing program for the Second Street Loft Apartments Project; and giving preliminary approval to the issuance of revenue bonds thereunder.

Whereas, pursuant to the Minnesota Municipal Housing Act, Minnesota Statutes, Chapter 462C (the "Act") a city is authorized to undertake the financing of multifamily housing for persons of low and moderate income, and to authorize its housing and redevelopment authority to act on its behalf; and

Whereas, the City Council (the "City Council") of the City of Minneapolis (the "City") has prepared the Housing Plan for Local Housing for the City of Minneapolis, Minnesota, revised June, 1984 (the "Plan") which Plan was adopted pursuant to the Act on July 13, 1984; and

Whereas, the Act requires adoption of a housing finance program after a public hearing held thereon for which notice was published in a newspaper of general circulation in the City at least fifteen (15) days in advance of the hearing; and

Whereas, the City has previously issued its Multifamily Housing Revenue Bonds (Second Street Historical Partners Project), Series 1996 (the "Series 1996 Bonds") to finance the acquisition and rehabilitation of the Second Street Loft Apartments Project, a 39-unit multifamily rental facility located at 129 North Second Street in the City (the "Project"); and

Whereas, Second Street Acquisition Partners Limited Partnership, a Minnesota limited partnership (the "Owner"), the owner and operator of the Project has proposed a program (the "Program") for the issuance of bonds to (i) refund the Series 1996 Bonds, and (ii) discharge certain existing indebtedness secured by a lien on the Project, which indebtedness was incurred in part for the purpose of making additional rehabilitation improvements to the Project in an amount in excess of \$1,000 per unit; and

Whereas, the cost of the Program is presently estimated to be \$6,250,000; and

Whereas, the City on October 17, 2002 did conduct a public hearing on the Program, following publication of notice as required by the Act; and

Whereas, the Program was submitted to the Metropolitan Council on or prior to the date of publication of notice of the public hearing on such Program, and the Metropolitan Council has been afforded an opportunity to present comments at the public hearing, all as required by the Act; and

Whereas, the City desires to facilitate the development of rental housing within the community, encourage the preservation of affordable housing opportunities for residents of the City, encourage the preservation of housing facilities designed for occupancy by persons of low or moderate income within the boundaries of the City, and the maintenance of affordable units in the Project would assist the City in achieving these objectives; and

Whereas, the Program will result in the provision of decent, safe and sanitary rental housing opportunities to persons within the community; and

Whereas, this City Council has been advised that conventional, commercial financing to pay the capital costs of the Program is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but the City Council has been further advised that with the aid of municipal financing and resulting low borrowing costs, the Project is economically more feasible; and

Whereas, the staff of the City considers the proposed Program to be in furtherance of the housing policies of the State of Minnesota as stated in the Act and of the City as stated in the Plan;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the issuance of multifamily housing revenue bonds, pursuant to the Act, in one or more series in the approximate aggregate amount presently estimated not to exceed \$6,250,000 to finance the costs of the Program is hereby preliminary approved by the City Council subject to final agreement between the City, the Owner, and the purchaser of the bonds as to the detailed terms and conditions on which the bonds will be issued.

Be It Further Resolved that the Program is hereby adopted.

Be It Further Resolved that proceeds of bonds issued under the Program may be used to make a loan or loans directly to the Owner or other entity approved by the City or to acquire the Project and at the discretion of the City may be financed by the Minneapolis Community Development Agency rather than the City.

Be It Further Resolved that the City shall have the right in its sole discretion to withdraw from participation and, accordingly, not to issue the bonds for the Project should the City, at any time prior to the issuance thereof, determine that it is in the interest of the City not to issue the bonds or should the parties to this transaction be unable to reach agreement as to the terms and conditions of any of the documents required for this transaction. The decision of the City with respect to the aforementioned matters shall be uncontestable.

Be It Further Resolved that nothing in this Resolution or the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Program other than as specified and authorized by separate actions of the City Council and other than the revenues derived from the Project or otherwise granted to the City or Minneapolis Community Development Agency for this purpose.

Be It Further Resolved that U.S. Bancorp Piper Jaffray Inc. is hereby appointed as Underwriter, and Faegre & Benson LLP is hereby appointed as Bond Counsel, in connection with the Bonds preliminarily approved hereby.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee, having under consideration the issuance and sale of refunding revenue bonds on behalf of the Catholic Eldercare Community Foundation, for the facilities located at 817 Main Street NE and 909 Main Street NE, and having held a public hearing on October 17, 2002 thereon, notice of which was published in Finance and Commerce on September 28, 2002, now recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying Resolution, authorizing the issuance and sale of refunding revenue bonds, giving final approval to issue \$9,580,000 in health care facilities tax-exempt refunding revenue bonds at an interest rate not to exceed 7% for the City of Minneapolis, Series 2002, for the Catholic Eldercare Community Foundation.

Your Committee further recommends granting a waiver of the City's health care facilities revenue bond policy, which requires:

a) acquisition of at least a minimum rating from an established rating agency (which is not recommended since current refunding will reduce interest costs and the facility has historically demonstrated strong financial performance); and

b) a feasibility study (which was not conducted since there would be no increase in total residents).

Your Committee further recommends approval to continue suspension of the payment in lieu of taxes (PILOT) Agreement for Catholic Eldercare Community Foundation, since they are enrolled in the Alternative Payment Demonstration Project, passed by the State Legislature in 1995.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-370, giving final approval to the issuance of \$9,580,000 in health care facilities tax-exempt refunding revenue bonds, at an interest rate not to exceed 7%, for the Catholic Eldercare Community Foundation, for the facilities located at 817 Main Street NE and 909 Main Street NE, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-370

By Goodman

Authorizing the issuance and sale of refunding revenue bonds on behalf of Catholic Eldercare Community Foundation.

Whereas, the City of Minneapolis, Minnesota (the "City") is, by the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Chapter 462C and Sections 469.152 to 469.165, as amended (the "Act"), authorized to issue and sell its revenue bonds for the purpose of financing costs of authorized projects and to enter into agreements necessary or convenient in the exercise of the powers granted by the Act; and

Whereas, for the purpose of financing the construction and equipping of and improvements to a skilled nursing home licensed for 150 skilled nursing beds, and a 50 -unit assisted living rental housing facility located at 817 Main Street NE and 909 Main Street NE in the City of Minneapolis (the "Project"), the City has heretofore issued (i) its Nursing Home Refunding Revenue Bonds (Catholic Eldercare, Inc. Project), Series 1989, of which certain capital appreciation bonds payable on May 1, 2004 in the amount of \$1,555,000 remain outstanding and unpaid, (ii) its Skilled Nursing and Assisted Living Revenue Bonds (Catholic Eldercare Skilled Nursing Project), Series 1994A, currently outstanding and subject to redemption in the amount of \$1,620,000, (iii) its Skilled Nursing and Assisted Living Revenue Bonds (Catholic Eldercare Assisted Living Project), Series 1994B, currently outstanding and subject to redemption in the amount of \$3,400,000, and (iv) its Nursing Home Revenue Refunding Bonds (Catholic Eldercare, Inc. Project), Series 1997, currently outstanding and subject to redemption in the amount of \$2,885,000 (collectively, the "Refunded Bonds"); and

Whereas, representatives of Catholic Eldercare (the "Corporation"), a Minnesota nonprofit corporation and organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code") have submitted an application to the City requesting the issuance of refunding revenue bonds (the "Bonds") for the purpose of refunding the Refunded Bonds in advance of their maturity, for the purpose of reducing debt service costs for the Corporation; and

Whereas, as required by Section 147(f) of the Code, the City Council of the City conducted a public hearing on October 17, 2002, on the proposal to undertake the refunding of the Refunded Bonds after publication of notice thereof in a newspaper of general circulation in the City; and

Whereas, the Bonds will be issued under an Indenture of Trust (the "Indenture"), and the proceeds of the Bonds will be loaned to the Corporation pursuant to a Loan Agreement (the "Loan Agreement"), and the Bonds will be secured by a pledge of all rights and revenues derived by the City from the Loan Agreement (except certain retained rights of the City), and said Bonds and the interest on said Bonds shall be payable solely from the revenues pledged therefor and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation nor give rise to a pecuniary liability of the City or a charge against its general credit or assets and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in said Project; and

Whereas, forms of the following documents (including the exhibits referred to therein) have been submitted to the City:

a) The Indenture to be made and entered into between the City and the trustee named therein (the "Trustee"), providing for the issuance of the Bonds, prescribing the form thereof, pledging the trust estate described therein for the security of the Bonds, and setting forth proposed recitals, covenants and agreements by the parties with respect thereto;

b) The Loan Agreement to be made and entered into between the City and the Corporation, providing for the loan of the proceeds of the Bonds to the Corporation, and for the repayment of such loan;

c) The Bond Purchase Agreement, to be dated as of the date of execution thereof (the "Bond Purchase Agreement"), by and among the City, the Corporation and Wells Fargo Brokerage Services, LLC (the "Underwriter") providing for the purchase of the Bonds by the Underwriter; and

d) A Preliminary Official Statement (the "Preliminary Official Statement").

The agreements described and referred to in paragraphs a through c above shall hereinafter sometimes be referred to collectively as the "Agreements."

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That it is hereby found, determined and declared that:

a) The issuance and sale of the Bonds by the City, and the execution and delivery of the Agreements and the performance of all covenants and agreements of the City contained therein and of all other acts and things required under the Constitution and Laws of the State of Minnesota to make the Agreements and the Bonds valid and binding obligations of the City in accordance with their terms, are authorized by the Act;

b) It is desirable that the Bonds in the principal amount not to exceed \$10,000,000 be issued by the City, on the terms set forth in the Indenture and the Bond Purchase Agreement;

c) The payments required or provided for by the Agreements are intended to produce income and revenues sufficient to provide for the payment when due of principal of and interest on all Bonds issued under the Indenture, and payments are required to be made for such expenses of, among other things, administration of the program, as will be necessary to protect the interests of the City and the Trustee;

d) Pursuant to the provisions of the Act, and as provided in the Agreements, the Bonds shall be retired solely from amounts derived from the Loan Agreement, including the revenues of the Project; and

e) It is hereby found, determined and declared that the refunding of the Refunded Bonds for the purpose of reducing debt service costs of the Corporation furthers the purposes set forth in the Act.

Be It Further Resolved that the Agreements in substantially the forms submitted to the City at this meeting are hereby approved. Such of the documents as require the execution of the City are hereby authorized and directed to be executed or accepted, as the case may be, and delivered in the name and on behalf of the City by its Mayor, City Clerk and Finance Officer upon execution thereof by the parties thereto as appropriate. The Bonds and the Agreements shall be executed and delivered as provided therein. Copies of all the documents necessary for the consummation of the transactions described herein and in the Agreements shall be delivered, filed and recorded as provided herein and in the Agreements.

Be It Further Resolved that the form and terms of the Agreements may be varied prior to execution and delivery by the parties thereto, provided that any such variance shall not be, in the opinion of the City's legal counsel and the Mayor, materially adverse to the interests of the City. The execution and delivery of the Agreements as provided above shall be conclusive evidence of the determination that any such variance was not materially adverse to the interests of the City.

Be It Further Resolved that in anticipation of the collection of revenues of the Project, there shall be issued forthwith the Bonds, in the aggregate principal amount not to exceed \$10,000,000, which issuance is approved, substantially in the forms and upon the terms set forth in the Indenture, the terms of which are for this purpose incorporated in this resolution and made a part hereof as if fully set forth herein. The Bonds shall be dated as of the date and shall mature on the dates (subject to redemption on such earlier dates as provided in the Indenture), bear interest and be payable at the variable rates, all determined as set forth in the Indenture.

Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in connection with the proposed issuance of the Bonds are hereby approved, ratified and confirmed.

Be It Further Resolved that the sale of said Bonds to the Underwriter to be determined is hereby approved, and the Bonds are hereby directed to be sold to the Underwriter, upon the terms and conditions set forth in the Bond Purchase Agreement. The Mayor, City Clerk and Finance Officer of the City are hereby authorized and directed to prepare and execute by manual or facsimile signature the Bonds as described in the Indenture and to deliver them to the Trustee (which is herein designated as the authenticating agent under Minnesota Statutes, Section 475.55) for authentication and delivery to or as directed by the Underwriter, together with a certified copy of this resolution, and the other documents required by the Indenture.

Be It Further Resolved that the Mayor, City Clerk, Finance Officer and other officers of the City are authorized and directed to prepare and furnish when the Bonds are issued, certified copies of all proceedings and records of the City relating to the Bonds and such other affidavits and certificates (including but not limited to those required by bond counsel) as may be required to show the facts relating to the legality, tax exemption and marketability of the Bonds as such facts appear from the books and records in said officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements made by the City and contained therein. The Mayor, City Clerk, Finance Officer and said officers are further authorized to execute such additional documents as shall be determined by the Mayor to be necessary and desirable to provide for the issuance of the Bonds.

Be It Further Resolved that the Mayor, City Clerk, Finance Officer and other officers of the Issuer consent to the distribution of the Preliminary Official Statement relating to the Bonds, substantially in the form on file with the Issuer. The Mayor, City Clerk, Finance Officer and said officers further consent to the use by the Underwriter in connection with the sale of the Bonds of a final Official Statement, substantially in the form of the Preliminary Official Statement described above. The Preliminary Official Statement and the Official Statement are the sole materials consented to by the Mayor, City Clerk, Finance Officer and said officers for use in connection with the offer and sale of the Bonds. The Mayor, City Clerk, Finance Officer and said officers have not participated in the preparation thereof, have not made any independent investigation of the information contained therein and shall have no liability in connection with the contents of or use of such offering materials.

Be It Further Resolved that all covenants, stipulations, obligations and agreements of the City contained in this resolution and the aforementioned documents shall be deemed to be the covenants, stipulations, obligations and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations and agreements shall be binding upon the City. Except as otherwise provided in this resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the City by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City, or any officer, agent or employee of the City in that person's individual capacity, and neither the City Council nor any officer or employee executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

No provision, covenant or agreement contained in the aforementioned documents, the Bonds or in any other document related to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations

set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Project or the proceeds of the Bonds which are to be applied to the payment of the Bonds, as provided therein and in the Indenture. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal of the Bonds or the interest thereon, or to enforce payment thereof against any property of the City. The Bonds shall recite in substance that the Bonds, including the interest thereon, are payable solely from the revenues and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

Be It Further Resolved that except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied is intended or shall be construed to confer upon any person or firm or corporation, other than the City or any holder of the Bonds issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provision hereof, this resolution, the aforementioned documents and all of their provisions being intended to be and being for the sole and exclusive benefit of the City and any holder from time to time of the Bonds issued under the provisions of this resolution.

Be It Further Resolved that in case any one or more of the provisions of this resolution, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this resolution, the aforementioned documents, and the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Be It Further Resolved that the Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Bonds and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

Be It Further Resolved that in the event any of the officers of the City authorized to execute documents on behalf of the City under this resolution shall have resigned or shall for any reason be unable to do so, any member of the City Council, or officer of the City, is hereby directed and authorized to do so on behalf of the City, with the same effect as if executed by the officer authorized to do so in this resolution.

Be It Further Resolved that the Bonds are hereby designated "Program Bonds" and are determined to be within the "Health Care Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Be It Further Resolved that this Resolution shall take effect upon publication.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying Resolution, adopting a housing program for the Catholic Eldercare at St. Hedwig's Assisted Living Project located at 29th Avenue NE and Randolph Street NE, granting preliminary and final approval to issue up to \$8,000,000 in tax-exempt multifamily housing revenue bonds for said project.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-371, adopting a housing program for the Catholic Eldercare at St. Hedwig's Assisted Living Project located at 29th Avenue NE and Randolph Street NE, granting preliminary and final approval to issue up to \$8,000,000 in tax-exempt multifamily housing revenue bonds for the project, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-371

By Goodman

Adopting a housing program for the St. Hedwig's Assisted Living Project; and giving preliminary and final approval to the issuance of revenue bonds thereunder.

Whereas, pursuant to the Minnesota Municipal Housing Act, Minnesota Statutes, Chapter 462C (the "Act") a city is authorized to undertake the financing of multifamily housing for persons of low and moderate income, and to authorize its housing and redevelopment authority to act on its behalf; and

Whereas, the City Council (the "City Council") of the City of Minneapolis (the "City") has prepared the Housing Plan for Local Housing for the City of Minneapolis, Minnesota, revised June, 1984 (the "Plan") which Plan was adopted pursuant to the Act on July 13, 1984; and

Whereas, the Act requires adoption of a housing finance program after a public hearing held thereon for which notice was published in a newspaper of general circulation in the City at least fifteen (15) days in advance of the hearing; and

Whereas, Catholic Eldercare Community Services II, a Minnesota nonprofit corporation (the "Owner"), has proposed a program (the "Program") for the issuance of bonds to finance the construction of a 72-unit multifamily rental facility to be located at 129 29th Avenue NE in the City (the "Project"), to be owned and operated by the Owner; and

Whereas, the cost of the Program is presently estimated to be \$8,000,000; and

Whereas, the City on October 17, 2002 did conduct a public hearing on the Program, following publication of notice as required by the Act; and

Whereas, the Program was submitted to the Metropolitan Council on or prior to the date of publication of notice of the public hearing on such Program, and the Metropolitan Council has been afforded an opportunity to present comments at the public hearing, all as required by the Act; and

Whereas, the City desires to facilitate the development of rental housing within the community, encourage the preservation of affordable housing opportunities for residents of the City, encourage the preservation of housing facilities designed for occupancy by elderly persons and persons of low or moderate income within the boundaries of the City, and the maintenance of affordable units in the Project would assist the City in achieving these objectives; and

Whereas, the Program will result in the provision of decent, safe and sanitary rental housing opportunities to persons within the community; and

Whereas, this City Council has been advised that conventional, commercial financing to pay the capital costs of the Program is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but the City Council has been further advised that with the aid of municipal financing and resulting low borrowing costs, the Project is economically more feasible; and

Whereas, the staff of the City considers the proposed Program to be in furtherance of the housing policies of the State of Minnesota as stated in the Act and of the City as stated in the Plan;

Whereas, the Program is to be financed from the proceeds of Variable Rate Demand Multifamily Housing Revenue Bonds (St. Hedwig's Assisted Living Project), Series 2002 (the "Bonds"), in the aggregate principal amount not to exceed \$8,000,000, to be issued by the City, and the revenues from the Project (as defined below) shall be pledged for the security of and payment for the Bonds (except as may be otherwise set forth in the Indenture hereinafter referred to); and

Whereas, the Bond proceeds will be used by the City to provide for funding of a loan (the "Loan") to the Owner to finance the acquisition and construction of the Project, and payment of related costs; and

Whereas, the Bonds will be issued under an Indenture of Trust (the "Indenture"), and the proceeds of the Bonds will be loaned to the Owner pursuant to a Loan Agreement (the "Loan Agreement"), and the Bonds will be secured by a pledge of all rights and revenues derived by the City from the Loan Agreement (except certain retained rights of the City) and by an irrevocable, direct pay letter of credit to be issued by Wells Fargo Bank, National Association, and said Bonds and the interest on said Bonds shall be payable solely from the revenues pledged therefor and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation nor give rise to a pecuniary liability of the City or a charge against its general credit or assets and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in said Project; and

Whereas, forms of the following documents (including the exhibits referred to therein) have been submitted to the City:

a) The Indenture to be made and entered into between the City and the trustee named therein (the "Trustee"), providing for the issuance of the Bonds, prescribing the form thereof, pledging the trust estate described therein for the security of the Bonds, and setting forth proposed recitals, covenants and agreements by the parties with respect thereto;

b) The Loan Agreement to be made and entered into between the City and the Owner, providing for the loan of the proceeds of the Bonds to the Owner, and for the repayment of such loan;

c) The Bond Purchase Agreement, to be dated as of the date of execution thereof (the "Bond Purchase Agreement"), by and among the City, the Owner and Wells Fargo Brokerage Services, LLC (the "Underwriter") providing for the purchase of the Bonds by the Underwriter; and

d) A Preliminary Official Statement (the "Preliminary Official Statement").

The agreements described and referred to in paragraphs a through c above shall hereinafter sometimes be referred to collectively as the "Agreements."

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That it is hereby found, determined and declared that:

a) The preservation of the quality of life in the City is dependent upon the maintenance, provision, and preservation of an adequate housing stock which is affordable to persons and families of low or moderate income, that accomplishing this is a public purpose, and that many would-be providers of housing units in the City are either unable to afford mortgage credit at present market rates of interest or are unable to obtain mortgage credit because the mortgage credit market is severely restricted;

b) The development and implementation of the Program, and the issuance and sale of the Bonds by the City, and the execution and delivery of the Agreements and the performance of all covenants and agreements of the City contained therein and of all other acts and things required under the Constitution and Laws of the State of Minnesota to make the Agreements and the Bonds valid and binding obligations of the City in accordance with their terms, are authorized by the Act;

c) The implementation of the Program for the purposes and in the manner contemplated by the Agreements conforms or will conform to all pertinent statutes, regulations and ordinances of the State of Minnesota and the City;

d) It is desirable that the Bonds in the principal amount not to exceed \$8,000,000 be issued by the City, on the terms set forth in the Indenture and the Bond Purchase Agreement;

e) The payments required or provided for by the Agreements are intended to produce income and revenues sufficient to provide for the payment when due of principal of and interest on all Bonds issued under the Indenture, and payments are required to be made for such expenses of, among other things, administration of the Program, as will be necessary to protect the interests of the City and the Trustee; and

f) Pursuant to the provisions of the Act, and as provided in the Agreements, the Bonds shall be retired solely from the revenues of the Project.

Be It Further Resolved that the Agreements in substantially the forms submitted to the City at this meeting are hereby approved. Such of the documents as require the execution of the City are hereby authorized and directed to be executed or accepted, as the case may be, and delivered in the name and

on behalf of the City by its Mayor, City Clerk and Finance Officer upon execution thereof by the parties thereto as appropriate. The Bonds and the Agreements shall be executed and delivered as provided therein. Copies of all the documents necessary for the consummation of the transactions described herein and in the Agreements shall be delivered, filed and recorded as provided herein and in the Agreements.

Be It Further Resolved that the form and terms of the Agreements may be varied prior to execution and delivery by the parties thereto, provided that any such variance shall not be, in the opinion of the City's legal counsel and the Mayor, materially adverse to the interests of the City. The execution and delivery of the Agreements as provided above shall be conclusive evidence of the determination that any such variance was not materially adverse to the interests of the City.

Be It Further Resolved that in anticipation of the collection of revenues of the Project, there shall be issued forthwith the Bonds, in the aggregate principal amount not to exceed \$8,000,000, which issuance is approved, substantially in the forms and upon the terms set forth in the Indenture, the terms of which are for this purpose incorporated in this resolution and made a part hereof as if fully set forth herein. The Bonds shall be dated as of the date and shall mature on the dates (subject to redemption on such earlier dates as provided in the Indenture), bear interest and be payable at the rates, all determined as set forth in the Indenture. The City may at its option issue additional bonds at a later date to be used to pay or reimburse costs of the Project not paid from the proceeds of the Bonds, in a principal amount not to exceed the amount set forth in the Program.

Be It Further Resolved that the Program is hereby adopted and all actions of the members, employees and staff of the City heretofore taken in furtherance of the Program are hereby approved, ratified and confirmed.

Be It Further Resolved that the sale of said Bonds to the Underwriter to be determined is hereby approved, and the Bonds are hereby directed to be sold to the Underwriter, upon the terms and conditions set forth in the Bond Purchase Agreement. The Mayor, City Clerk and Finance Officer of the City are hereby authorized and directed to prepare and execute by manual or facsimile signature the Bonds as described in the Indenture and to deliver them to the Trustee (which is herein designated as the authenticating agent under Minnesota Statutes, Section 475.55) for authentication and delivery to the Original Purchaser, together with a certified copy of this resolution, and the other documents required by the Indenture.

Be It Further Resolved that the Mayor, City Clerk, Finance Officer and other officers of the City are authorized and directed to prepare and furnish when the Bonds are issued, certified copies of all proceedings and records of the City relating to the Bonds and such other affidavits and certificates (including but not limited to those required by bond counsel) as may be required to show the facts relating to the legality, tax exemption and marketability of the Bonds as such facts appear from the books and records in said officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements made by the City and contained therein. The Mayor, City Clerk, Finance Officer and said officers are further authorized to execute such additional documents as shall be determined by the Mayor to be necessary and desirable to provide for the issuance of the Bonds.

Be It Further Resolved that the Mayor, City Clerk, Finance Officer and other officers of the Issuer consent to the distribution of the Preliminary Official Statement relating to the Bonds, substantially in the form on file with the Issuer. The Mayor, City Clerk, Finance Officer and said officers further consent to the use by the Underwriter in connection with the sale of the Bonds of a final Official Statement, substantially in the form of the Preliminary Official Statement described above. The Preliminary Official Statement and the Official Statement are the sole materials consented to by the Mayor, City Clerk, Finance Officer and said officers for use in connection with the offer and sale of the Bonds. The Mayor, City Clerk, Finance Officer and said officers have not participated in the preparation thereof, have not made any independent investigation of the information contained therein and shall have no liability in connection with the contents of or use of such offering materials.

Be It Further Resolved that all covenants, stipulations, obligations and agreements of the City contained in this resolution and the aforementioned documents shall be deemed to be the covenants, stipulations, obligations and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations and agreements shall be binding upon the City. Except as

otherwise provided in this resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the City by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City, or any officer, agent or employee of the City in that person's individual capacity, and neither the City Council nor any officer or employee executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

No provision, covenant or agreement contained in the aforementioned documents, the Bonds or in any other document related to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Project or the proceeds of the Bonds which are to be applied to the payment of the Bonds, as provided therein and in the Indenture. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal of the Bonds or the interest thereon, or to enforce payment thereof against any property of the City. The Bonds shall recite in substance that the Bonds, including the interest thereon, are payable solely from the revenues and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

Be It Further Resolved that except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied is intended or shall be construed to confer upon any person or firm or corporation, other than the City or any holder of the Bonds issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provision hereof, this resolution, the aforementioned documents and all of their provisions being intended to be and being for the sole and exclusive benefit of the City and any holder from time to time of the Bonds issued under the provisions of this resolution.

Be It Further Resolved that in case any one or more of the provisions of this resolution, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this resolution, the aforementioned documents, and the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Be It Further Resolved that the Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Bonds and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

Be It Further Resolved that in the event any of the officers of the City authorized to execute documents on behalf of the City under this resolution shall have resigned or shall for any reason be unable to do so, any member of the City, or officer of the City, is hereby directed and authorized to do so on behalf of the City, with the same effect as if executed by the officer authorized to do so in this resolution.

Be It Further Resolved that this Resolution shall take effect upon publication.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee, having under consideration the Greater Minneapolis Crisis Nursery Project, and having held public hearings on September 30, 2002, and October 17, 2002 thereon, now recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying Resolution giving preliminary and final approval to the issuance of up to \$2,000,000 in tax-exempt 501(c)(3) bank direct MCDA revenue bonds, Series 2002, for the Greater Minneapolis Crisis Nursery.

Your Committee further recommends that this action be transmitted to the Minneapolis Board of Commissioners to grant preliminary and final approval of said revenue bonds.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 29, 2002)

Resolution 2002R-372, giving preliminary and final approval to the issuance of up to \$2,000,000 in tax-exempt 501(c)(3) bank direct MCDA revenue bonds for the Greater Minneapolis Crisis Nursery, was passed October 25, 2002 by the City Council and approved October 25, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-372

By Goodman

Giving preliminary and final approval to and authorizing a project on behalf of Greater Minneapolis Crisis Nursery (the "Company"), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue bonds for the purpose of providing financing for the acquisition, construction and installation of projects consisting of properties, real or personal, used or useful in connection with a revenue-producing enterprise, whether or not operated for profit; and

Whereas, it has been proposed that the Agency issue a revenue bond in the amount of not to exceed \$2,000,000 (the "Bond") to finance the acquisition, renovation and furnishing of a building to be used as a residential shelter for children (the "Project"); and

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest at an initial interest rate not to exceed five percent (5.00%) per annum, shall have a final maturity date not later than December 1, 2022, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives final approval to the issuance by the Agency of the Bond in the principal amount not to exceed \$2,000,000 for the purpose of financing the Project.

Be It Further Resolved that the Bond is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and **TRANSPORTATION & PUBLIC WORKS** Committees submitted the following report:

Comm Dev & T&PW - Your Committee recommends approval to submit a series of grant applications to the Metropolitan Council for federal Transportation Equity Act (TEA-21) Affordable Housing Enhancement Demonstration (AHED) funds to be passed through the State for the following projects, for the amounts indicated:

- a) Chicago Avenue Streetscape Project, \$500,000;
- b) Downtown Circulator Transit Terminal Project, \$750,000;
- c) East Phillips Commons Access to Midtown Greenway Trails Project, \$600,000;
- d) Franklin Portland Gateway Project, \$1,000,000;
- e) Grain Belt Housing Project, \$500,000;
- f) Heritage Park Project, \$1,250,000; and
- g) Old Third Development, \$500,000.

Your Committee further recommends approval to commit funds as a local match to support the TEA-21 projects receiving approval, per federal requirement, as more fully set forth in Petn No 268290 on file in the Office of the City Clerk.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve application to the following entities for grants for various projects, with the understanding that the following projects are listed in priority order, based on affordable housing impacts and input from the Brownfield Review Committee and that commitment of a local match is required on grants from the Minnesota Department of Trade and Economic Development (DTED), as more fully set forth in Petn No 268292 on file in the Office of the City Clerk:

a) Metropolitan Council Metropolitan Livable Communities Fund Tax Base Revitalization Account Grant Program, for the projects and amounts indicated:

- 1) Portland Condos, \$500,000;
- 2) 628 E Franklin Avenue, \$140,000;
- 3) 1822 Park, \$50,000;
- 4) Whittier First Cooperative, \$200,000;
- 5) Lenox Flats, \$125,000;
- 6) North Washington Industrial Park (NWIP), \$62,500;
- 7) Space LLC, \$38,855; and
- 8) Hubbard Building, \$100,000.

b) Minnesota DTED Contamination Cleanup Grant Program for environmental remediation, for the projects and amounts indicated:

- 1) Profloor, \$318,750;
- 2) Heritage Park, \$425,000;
- 3) Southeast Minneapolis Industrial (SEMI) Phase VII, \$375,000; and
- 4) NWIP, \$375,000.

c) Hennepin County Environmental Response Fund, for the projects and amounts indicated:

- 1) Former site of BF Nelson, \$30,000;
- 2) Former site of Riverview Supper Club, \$30,000;
- 3) Franklin/Portland Gateway, Sites B, C, E, \$20,000;
- 4) E 17th Street, \$25,000;
- 5) Heritage Park, \$150,000;
- 6) Lydia Apartments, \$15,000; and
- 7) Roosevelt Library, \$30,000.

Your Committee further recommends that this action be transmitted to the MCDA Board of Commissioners to apply for said grants.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 29, 2002)

Comm Dev & W&M/Budget - Your Committee recommends acceptance of a Hennepin County Environmental Response Grant for pollution investigation for 628 E Franklin Avenue, in the amount of \$10,000.

Your Committee further recommends amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing the appropriation and revenue budget for Fund SMN0 (State and Other Grants) by \$10,000.

Your Committee further recommends that this action be transmitted to the MCDA Board of Commissioners to execute grant and sub-recipient agreements.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-373
By Goodman and Johnson

Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SMN0 by \$10,000 from the projected fund balance, and increasing the MCDA revenue budget in Fund SMN0 (3220-02 County Grants) by \$10,000.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying Resolution amending the 2002 Minneapolis Community Development Agency Appropriation Resolution by increasing the appropriation in Fund CWS0 (Housing Replacement District) by \$180,000 to provide reimbursement to the developer for extraordinary development and soil correction costs encountered at 2630 E 35th Street and 3010 E 39th Street, with the understanding that said reimbursement was generated by the Scattered Site Tax Increment District (which includes these parcels) and was previously approved.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-374
By Goodman and Johnson

Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund CWS0 by \$180,000 from the projected fund balance.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) that the proper City officers be authorized to execute a Cooperative Agreement with Hennepin County (in substantially the form shown in the accompanying Resolution) to provide funds for the Mill City Museum Project, in the amount of \$1,000,000.

Your Committee further recommends passage and summary publication of the accompanying Resolution providing for the participation of Hennepin County in the Mill City Museum Project, in accordance with the goals of the Program.

Your Committee further recommends passage of the accompanying Resolution amending the 2002 MCDA Appropriation Resolution, increasing the appropriation and revenue budget in Fund SMN0 (State and Other Grants Fund) by \$1,000,000.

Your Committee further recommends that this action be transmitted to the Minneapolis Board of Commissioners to execute the Cooperative Agreement with Hennepin County.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-375, providing for the participation of Hennepin County in the Mill City Museum Project, in accordance with the goals of the Program, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-375
By Goodman and Johnson

Providing for the participation of Hennepin County in the Mill City Museum Project, in accordance with the goals of the Program.

COOPERATIVE AGREEMENT
FOR MILL CITY MUSEUM

Whereas, this Cooperative Agreement is hereinafter called the "Agreement", made and entered into by and between the County of Hennepin, a Minnesota political subdivision, hereinafter called the "County"; the City of Minneapolis, a Minnesota municipal corporation, hereinafter called the "City"; and the Minneapolis Community Development Agency, a Minnesota public body corporate and politic, hereinafter called the "MCDA"; and

Whereas, the Minnesota Historical Society ("MHS") is undertaking a redevelopment project called the Mill City Museum, hereinafter called the "Project", which is bounded by Portland Avenue South and Chicago Avenue South and by Second Street and West River Parkway in Minneapolis; and

Whereas, the Project is included within the West Side Milling TIF District No. 86 created by the MCDA on February 6, 1998, and which is within the Industry Square Redevelopment Project Area and is in accordance with the Industry Square Redevelopment Plan, as last modified by the MCDA on February 2, 2001(the "Plan"); and

Whereas, the City and the MCDA have provided financial assistance to the Project; and
Whereas, the completed Project will serve to preserve and to interpret the historic milling district adjacent to St. Anthony Falls; and
Whereas, the Project fits within the goals of a multijurisdictional reinvestment program authorized under Minnesota Statutes Section 383B.79; and
Whereas, the Board of Commissioners of the County has approved the Plan, and the multijurisdictional reinvestment program (the "Program"), and authorized the County's participation in the Project; and
Whereas, the MCDA is authorized to undertake and participate in the Project pursuant to Minnesota Statutes Sections 469.001 to 469.047 and other applicable law; and
Whereas, the County is authorized to contribute funds to the Project pursuant to Minnesota Statutes Sections 383B.79 and 469.041 and other applicable law; and
Whereas, Minnesota Statutes Sections 383B.79 and 471.59 authorize the parties hereto to enter into this Agreement.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That in consideration of the terms contained herein, it is agreed by and between the parties that they enter into this Agreement in order to provide for the participation of the County in the Project, in cooperation with the City and MCDA.

ARTICLE I

Purpose

The purpose of this Agreement is to provide for the participation of the County in the Project in accordance with the goals of the Program.

ARTICLE II

Source of Funds

The County will contribute \$1,000,000.00 from general obligation bonds to the MCDA in support of the Project upon receipt of proper verification from the MCDA that such funds are needed in accordance with the terms of Article III below.

ARTICLE III

Use of Funds

MCDA agrees to use the funds provided by the County for construction costs incurred for the Project. These funds will be furnished by the MCDA to the MHS in reimbursement of such construction costs. County funds may only be used for capital costs directly associated with the Project, and shall not be used for any costs associated with any construction outside the boundaries of the museum property. In the event the MHS fails to submit proper invoices to MCDA for such funds by December 31, 2003, then the County will have no further obligation to provide such funds to MCDA, unless the parties agree to an extension of this Agreement by amendment.

ARTICLE IV

Administration

MCDA will enter into a written agreement with MHS to ensure that all funds disbursed herein are used in accordance with the requirements of Article III above. Said agreement shall provide that, if requested by the County, MHS shall execute and deliver to the County a declaration of restrictive covenants in a form acceptable to the County which will ensure that the Project will be used for public museum purposes for a minimum of twenty (20) years. In order to accomplish the purposes of this Agreement, Larry Blackstad, Hennepin County Housing, Community Works and Transit, will manage this Agreement on behalf of the County and serve as liaison between the County and MCDA.

ARTICLE V

Term

This Agreement shall be effective upon execution of all parties to this Agreement, and shall remain in effect until December 31, 2003 or such earlier time as this Agreement is terminated by mutual agreement of the parties.

ARTICLE VI

Data Privacy

The parties agree to abide by all applicable State and Federal Laws and regulations concerning the handling and disclosure of private and confidential information concerning individuals and/or data including but not limited to information made nonpublic by such laws or regulations.

ARTICLE VII

Records - Availability

MCDA agrees that the County, the State Auditor, the Legislative Auditor, or any of their duly authorized representatives at any time during normal business hours, and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of MCDA and involve transactions relating to this Agreement. Such materials shall be maintained and such access and rights shall be in force and effect during the term of this Agreement and for six (6) years after its termination.

ARTICLE VIII

Merger and Modification

a) It is understood and agreed that the entire Agreement between the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof. All items referred to in this Agreement are incorporated or attached and are deemed to be part of this Agreement.

b) Any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by the parties hereto.

ARTICLE IX

Amendments

This Agreement may be amended only by unanimous agreement of the parties hereto by resolution of the governing bodies of said parties.

In Witness Whereof, the parties to this Agreement have hereunto set their hands on the date written below.

Approved as to form
and execution:

Assistant County Attorney
Date: _____

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

By: _____
Chair of Its County Board

And: _____
Assistant/Deputy/County Administrator

ATTEST: _____
Deputy/Clerk of County Board

Approved as to form:

Assistant City Attorney
Date: _____

CITY OF MINNEAPOLIS

By: _____
Its Mayor

Attest: _____
City Clerk

Countersigned: _____
Finance Officer

Approved as to form:

Assistant City Attorney
Date: _____

**MINNEAPOLIS COMMUNITY
DEVELOPMENT AGENCY**

By: _____
Its: _____

Adopted. Yeas, 13; Nays none.
Passed October 25, 2002.
Approved October 29, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-376
By Goodman and Johnson**

**Amending The 2002 Minneapolis Community Development Agency Appropriation
Resolution.**

Resolved by The City Council of The City of Minneapolis:
That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SMN0 by \$1,000,000 from the projected fund balance, and increasing the MCDA revenue budget in Fund SMN0 (3215-13 Other MN Grantor Agencies) by \$1,000,000.
Adopted. Yeas, 13; Nays none.
Passed October 25, 2002.
Approved October 29, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends approval to transfer the 2002 allocation of funds from the Neighborhood Revitalization Program (NRP) to the Youth Coordinating Board (YCB), in the amount of \$200,000, for youth initiatives recommended by the Board of Directors of the YCB, pursuant to Title 16, Chapter 419.70 of the Minneapolis Code of Ordinances, which dedicates transfer of said funds annually.

Your Committee further recommends that the City Attorney be directed to work with appropriate NRP staff to prepare a report outlining the options and actions required to amend or eliminate the annual YCB allocation, including required amendments to said Ordinance.

Your Committee further recommends that the proper City officers be authorized to execute the contracts or agreements required for implementation of the 2002 allocation.

Your Committee further recommends passage of the accompanying resolution amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution to increase the NRP Fund (CNR0) by \$200,000.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA for execution of contracts or agreements required for said implementation.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-377
By Goodman and Johnson

Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Neighborhood Revitalization Program Fund CNR0 by \$200,000 from the projected fund balance.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends approval to implement a development funding cycle process to facilitate the comparison of development proposals and the selection of projects that best meet City priorities, to become effective in March of 2003.

Your Committee further recommends that the following issues be subject to cycle timing requirements:

- a) Tax abatement;
- b) Leveraged Investment Fund;
- c) Other gap funding;
- d) Commercial Corridor Fund;
- e) Neighborhood Economic Development Fund (NEDF);
- f) Community Commercial Economic Development Fund (CEDF);
- g) Minneapolis Industrial Land and Employment Strategy (MILES);
- h) Developer selection following a request for proposals (RFP) process; and
- i) Housing Redevelopment Authority (HRA) Levy (not allocated through approved programs).

Your Committee further recommends that certain funding decisions will continue to occur within the context of the annual budget process and that other development-related actions will occur as appropriate throughout the year, as more fully set forth in Petn No 268291 on file in the Office of the City Clerk.

Your Committee further recommends the following:

- 1) that a strategic planning session be held prior to implementation of said process to address development priorities;
- 2) that tax increment financing be excluded from the development funding cycle process and that the matter be revisited after one year; and
- 3) that the Community Planning and Economic Development Project Manager be directed to work with the Focus Minneapolis Work Team and the Minneapolis Community Development Agency to develop performance measurements for the evaluation and monitoring of said process.

Benson moved to amend the report to delete the following language:

"2) that tax increment financing be excluded from the development funding cycle process and that the matter be revisited after one year; and." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration a request for approval of the proposed classification for a new position relating to the Focus Minneapolis Plan, which calls for the creation of a new City department, the Community Planning and Economic Development (CPED) Department, now recommends concurrence with the recommendation of the Human Resources Director to approve said proposed classification for the new position of Interim Director of CPED, based on studies conducted by the Department of Human Resources.

Your Committee further recommends passage and summary publication of the accompanying salary ordinance, establishing the salary rates for said position.

Niziolek moved to amend the report to delete the language, "new City department, the Community Planning and Economic Development (CPED) Department," and to insert in lieu thereof, "Community Planning and Economic Development (CPED) organizational structure." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 12; Nays, 1 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Ostrow.

Nays - Johnson Lee.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-162, amending Title 2, Chapter 20, of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, setting the salary for the position of Interim Director of Community Planning and Economic Development, based on studies conducted by the Department of Human Resources, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2002-Or-162
By Goodman and Johnson

1st & 2nd Readings: 10/25/2002

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)

Effective October 2, 2002

FLSA	OTC	CLASSIFICATION	G	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B" Years	Step D After 3 "C" Years
E	1	Interim Director, Community Planning & Economic Development	17	A	103,331	108,770	112,033	114,208

Adopted. Yeas, 12; Nays, 1 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Ostrow.

Nays - Johnson Lee.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

H&HS - Your Committee, having under consideration the receipt of Minnesota Welfare-To-Work funds targeted to assist long term MFIP recipients, now recommends that the proper City officers be authorized to enter into a contract with Hennepin County Children Family and Adult Services Department to receive funds in the amount of \$288,060 to provide assessment and intensive behavior case management services to eligible Welfare-To-Work recipients. The funding period shall be from July 1, 2002 through June 30, 2003 (Fund 0600-860-8600).

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

H&HS - Your Committee recommends appointment of Lisa Edstrom, Executive Director of the Neighborhood Health Care Network, to the Public Health Advisory Committee as a representative of Minneapolis community clinics, for a term to expire on December 31, 2003.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **INTERGOVERNMENTAL RELATIONS** Committees submitted the following report:

H&HS&IGR - Your Committee recommends passage and summary publication of the accompanying Resolution declaring the City's support for an increase in the tax on cigarettes.

Adopted. Yeas, 8; Nays, 5 as follows:

Yeas - Niziolek, Benson, Goodman, Biernat, Zimmermann, Zerby, Lilligren, Johnson Lee.

Nays - Lane, Johnson, Colvin Roy, Schiff, Ostrow.

Passed October 25, 2002.

NOT APPROVED BY THE MAYOR.

Attest: M. Keefe, City Clerk.

CITY OF MINNEAPOLIS
CERTIFICATION

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss
CITY OF MINNEAPOLIS)

I, MERRY KEEFE, City Clerk of the City of Minneapolis, County of Hennepin, State of Minnesota, do hereby certify that a report of the Health & Human Services and Intergovernmental Relations Committees relating to the City's support for an increase in the tax on cigarettes, as acted upon by the City Council of Minneapolis, Minnesota, and designated as "Not Approved by the Mayor", for his approval and signature as such Mayor; that Mayor Rybak did not thereafter, within five days, Sundays excepted, approve or sign such action within the time specified.

Therefore, in accordance with the provisions of Chapter 3, Section 1, of the City Charter, said action has become and is valid, and I hereby certify that it has the same force and effect as if approved by said Mayor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 1st day of November, 2002.

Merry Keefe,
City Clerk.

Resolution 2002R-378, declaring the City's support for an increase in the tax on cigarettes, was passed October 25, 2002 by the City Council and not approved by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-378

By Zerby, Johnson Lee, Lilligren, Biernat. Zimmermann and Benson

Declaring that the City of Minneapolis supports an increase in the tax on cigarettes by \$1.00 per package.

Whereas, tobacco use is by far the leading cause of preventable illness and death in the United States, associated with about 20% of all U.S. deaths and exceeding the total number of deaths from alcohol, drugs, firearms, motor vehicle crashes, and HIV/AIDS combined (McGinnis & Foege, 1993). Approximately 6,400 Minnesota deaths were related to cigarette smoking in 1995; this toll would be even greater if deaths related to environmental tobacco smoke (ETS or secondhand smoke) and smokeless tobacco products were included (MDH, 1996), and

Whereas, substantial evidence shows that increasing the price of tobacco serves as an effective means of reducing tobacco use, especially in adolescents, as well as providing additional funding for prevention programs (CDC, 2000). Nonetheless, current average cigarette excise taxes in the U.S. lag far behind the levels implemented in other industrialized nations, and federal and average state excise taxes on cigarettes have failed to keep pace with the retail price of tobacco. Federal and state excise taxes as a percentage of the retail price of cigarettes in Minnesota began a downward trend in the 1970s and stood at only 23.7% in 1999, compared to 57.5% in 1971 (Orzechowski & Walker, 1999), and

Whereas, Minnesota now ranks 26th in the nation for its cigarette excise tax rate (48 cents per pack). The Minnesota Smoke Free Coalition (SFC) is proposing a \$1.00 per pack increase to \$1.48 per pack, which would rank fourth in the nation, and

Whereas, in an opinion survey conducted by the SFC, 62% of Minneapolis metro area voters approved increasing the state tax on cigarettes by \$1.00 per pack; and

Whereas, 19% of Minneapolis 9th graders smoke (2001 Minnesota Student Survey data). Statewide, 34% of high school students and 11% of middle school students use tobacco (MN Dept. of Health, MN Youth Tobacco Survey, 2002). 90% of smokers begin as teens (USHHS, Preventing Tobacco Use Among Young People: A report of the Surgeon General, 1994). Nationally, an estimated 17-20% of pregnant women smoke (1999 National Household Survey on Drug Abuse; 1998, Substance Abuse and Mental Health Services), and

Whereas, a 10% increase in the price of a pack of cigarettes can be expected to reduce overall teen smoking by up to 13% (ImpacTEEN, University of Illinois at Chicago, 2001). Tax increases work to significantly reduce smoking among pregnant women. A recent study found that "pregnant women are more likely than the general populations to quit smoking as cigarette taxes increase." And that "for every 10% increase in the price of cigarettes, smoking by pregnant women fell by 7% (The Nation's Health, Dec. 2001/Jan. 2002)," and

Whereas, the Department of Health and Family Support (DHFS) works to reduce youth smoking rates on several fronts due to the immense impact smoking has on overall morbidity and mortality of Minneapolis citizens, and the fact that most people who smoke start when they are teens for some departmental activities include:

- A Minneapolis Tobacco Prevention Specialist who works in the community to reduce youth smoking, including education about second-hand smoke and support for youth advocacy work. This work is done in collaboration with the Communities Targeting Tobacco Project funded by the Minnesota Department of Health.
- State grant funding to DHFS is passed through to Licensing to support that department in coordinating their youth tobacco retailer compliance check program. For businesses selling tobacco, refusals to sell to youth under age 18 was 89% in 2002.
- Teen tobacco cessation classes are offered through several school-based clinic sites.
- State Youth Risk Behavior grant funding that comes to the department was given to the Minneapolis Public Schools to implement a Life Skills curriculum that supports healthy decision making among youth, especially related to alcohol, tobacco, and other drugs, and

Whereas, increasing the tobacco tax by \$1.00 per pack would provide between \$300 and \$350 million in new excise and sales tax revenues to Minnesota each year, and would supplement and support these efforts, and add to a comprehensive strategy to health improvement through smoking reduction in the city and the state.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council supports increasing the Minnesota excise tax on cigarettes by \$1.00 per pack in order to reduce overall teen smoking in the state.

Adopted. Yeas, 8; Nays, 5 as follows:

Yeas - Niziolek, Benson, Goodman, Biernat, Zimmermann, Zerby, Lilligren, Johnson Lee.

Nays - Lane, Johnson, Colvin Roy, Schiff, Ostrow.

Passed October 25, 2002.

NOT APPROVED BY THE MAYOR.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **PUBLIC SAFETY & REGULATORY SERVICES** Committees submitted the following report:

H&HS & PS&RS - Your Committee, to whom was referred the subject matter of a mediation plan to address racial and ethnic concerns regarding law enforcement policies and procedures, and having now received the "Elements of a Federal Mediation Proposal" that outlines a plan for establishing a mediation process and providing information on community and City participation (as included in Petn No 268298), now recommends that the matter be sent forward without recommendation

Lilligren moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

H&HS & PS&RS - Your Committee, to whom was referred the subject matter of a mediation plan to address racial and ethnic concerns regarding law enforcement policies and procedures, now recommends that the staff directions presented in the document entitled "Mediation Plan between the Department of Justice Community Relations Service and the Minneapolis Police Department Regarding Police/Community Relations" (included in Petn No 268298) be approved.

Benson moved to amend the Petition referred to in the substitute report by deleting from Item 1 the phrase "Department of Justice participant" and inserting in lieu thereof "Department of Justice facilitator".
Seconded.

Adopted upon a voice vote.

Benson moved to amend the Petition referred to in the substitute report, as amended, by adding the following sentence to Item 5: "No mediation plan will be effective until approved by the Council."
Seconded.

Adopted upon a voice vote.

Biernat moved to amend the Petition referred to in the substitute report, as amended, by changing Item 5 to read as follows:

"5. Chief Olson will work with Ms. Glenn to design a mediation plan (see attached "Steps to Median Process"). The Chief will report the progress and outcome of that process and review the plan at a joint Public Safety & Regulatory Services and Health & Human Services Committee. No mediation plan will be effective until approved by the Council." Seconded.

Adopted upon a voice vote.

The substitute report, as amended, was adopted.

Yeas, 10; Nays, 3 as follows:

Yeas - Niziolek, Benson, Goodman, Biernat, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Lane, Johnson, Colvin Roy.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

H&HS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with Hennepin County to accept an Environmental Response Fund grant in the amount of \$12,000 to be used for cleanup of lead contamination at 2222 Emerson Av N.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Regulatory Services Agency by \$12,000 to reflect the receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-379
By Johnson Lee and Johnson

Amending the 2002 General Appropriation Resolution

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Regulatory Services Agency in the Grants-Other Fund (0600-835-8392) by \$12,000 and increasing the revenue source (0600-835-8392 - Source 3220) by \$12,000.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

H&HS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with Hennepin County to accept an Environmental Response Fund grant in the amount of \$17,350 to be used for cleanup of lead contamination at 4219 2nd Av S.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Regulatory Services Agency by \$17,350 to reflect the receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-380
By Johnson Lee and Johnson

Amending the 2002 General Appropriation Resolution

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Regulatory Services Agency in the Grants-Other Fund (0600-835-8392) by \$17,350 and increasing the revenue source (0600-835-8392 - Source 3220) by \$17,350.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

IGR - Your Committee, having under consideration an ordinance amending Chapter 3, Section 2 of the Minneapolis City Charter relating to Powers and Duties of Officers, establishing the line of succession for the Mayor and City Council President in Minneapolis, and having conducted a public hearing thereon, now concurs in the recommendation of the Minneapolis Charter Commission that the accompanying ordinance be passed by the affirmative vote of all members of the City Council, pursuant to Minnesota Statutes Section 410.12, Subd 7.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

ORDINANCE 2002-Or-163
By Lane and Benson

Intro & 1st Reading: 6/21/2002

Ref to: IGR

2nd Reading: 10/25/2002

Amending Chapter 3, Section 2 of the Minneapolis City Charter relating to Powers and Duties of Officers, establishing the line of succession for the Mayor and the City Council President in Minneapolis. (Charter Amendment No. 154)

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 3, Section 2 of the Minneapolis City Charter be amended to read as follows:

Section 2. (a) City Council - Election of President and Vice-President -- Their Duties. At the first meeting of the City Council in January of each year after a general municipal election they shall proceed to elect by ballot from their members a President and Vice-President. ~~The President shall preside over the meetings of the City Council and while the Mayor is absent from the City or unable for any reason to discharge his or her required duties, the said President shall exercise all the power and~~

discharge all the duties of the Mayor. In case the President shall be absent from any meeting of the City Council, the Vice-President shall discharge the duties of such President and act in the President's place. The President or temporary presiding officer while performing the duties of Mayor shall be styled acting Mayor, and acts performed by such person when acting as Mayor as aforesaid shall have the same force and validity as if performed by the Mayor.

(b) Succession - Mayor and Council President -- Duties and Succession.

If the Mayor is unable for any reason to discharge his or her required duties, a member of the City Council shall serve as Acting Mayor. The line of succession for Acting Mayor shall be the Council President, Council Vice-President, and then as determined by resolution of the City Council. Acts performed by the Acting Mayor shall have the same force and validity as if performed by the Mayor.

In case the President is absent from any meeting of the City Council, the Vice-President shall discharge the duties of such President and act in the President's place. In case the Vice-President also is absent from the same meeting of the City Council, the City Council shall select a Chair *pro tem* in accordance with Robert's Rules of Order.

Within ninety (90) days after the effective date of this subsection, and, thereafter, at the first meeting of the City Council in January of each year after a municipal general election, the City Council shall, by resolution, adopt a succession plan which will establish the lines of succession for the Mayor and the Council President consistent with the provisions of this section.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

IGR - Your Committee, having under consideration the League of Minnesota Cities' new 2003 Policy Adoption Process and *Proposed 2003 Cities Policies*, and the request to submit priority "voting ballots" by November 15, 2002 to determine the top five priorities of the LMC during the next legislative session, now recommends that the Intergovernmental Relations Department staff be directed to submit the following priorities to the LMC as the priorities from the City of Minneapolis perspective:

Improving Fiscal Futures:

- a) FF-3: LGA and Market-Value Homestead Credit Cuts
- b) FF-19: Limited Market Value

Improving Local Economies:

- c) LE-6: Housing
- d) LE-26: Adequate Funding for Transportation

Improving Service Delivery:

- e) SD-5: Providing Information to Citizens (Web Publications)

Benson moved that the report be postponed. Seconded.

Adopted upon a voice vote.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, increasing the reinspection fee from \$50 to \$100 for Housing Inspection services, now recommends that said ordinance be given its second reading for amendment and passage with summary publication.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-164 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.190 to increase the reinspection fee from \$50 to \$100 for Housing Inspection services, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2002-Or-164

By Zerby and Niziolek

Intro & 1st Reading: 9/27/2002

Ref to: PS&RS

2nd Reading: 10/25/2002

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 244.190 of the Minneapolis Code of Ordinances be amended to read as follows:

244.190. Reinspection Fee. (a) There shall be no fee charged for an initial inspection to determine the existence of a housing maintenance code violation, nor any fee for the first reinspection to determine compliance with an order to correct a housing maintenance code violation.

A ~~fifty one hundred~~ dollar (~~\$50.00~~ 100.00) fee shall be charged for each subsequent reinspection occurring after the due date for compliance with an order, as determined by the ~~D~~ director of ~~l~~ inspections or the ~~D~~ director's designee.

(b) The reinspection fees prescribed above shall be billed directly to the owner or contact person/agent of the property. Reinspection fees shall be increased by fifty (50) percent when not paid within thirty (30) days after initial billing, to cover administrative costs. Failure to pay such fees shall be grounds for denial, revocation, suspension, or non-renewal of a rental dwelling or lodging house license. ~~An additional service fee of ten dollars (\$10.00) shall be charged for reinspection fees not paid within thirty (30) days after billing, to cover administrative costs.~~

This subsection shall not be considered the exclusive method of collecting reinspection fees and shall not preclude collection by other lawful methods.

(c) Every notice of violation and order to correct housing code violations shall contain a clear and conspicuous explanation of the policy in this section requiring reinspection fees for subsequent reinspections.

(d) The director, and housing inspection supervisors designated by the director, may waive a reinspection fee in case of error, mistake, injustice, or other good cause.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the application of Sega Gameworks LLC, dba Gameworks, 600 Hennepin Av, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire October 1, 2003 and a Sidewalk Cafe License (new business) to expire April 1, 2003, and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 29, 2002)

PS&RS - Your Committee, having under consideration the application of St Paul Bagelry Inc, dba Pizza Nea, 306 E Hennepin Av, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2003, and having held a public hearing thereon, now recommends that said license be sent forward without recommendation.

Biernat moved to amend the report by deleting the language "sent forward without recommendation" and inserting in lieu thereof the word "approved". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the application of Historic Theatre Group Ltd, dba Pantages Theatre, 710 Hennepin Av, for an On-Sale Liquor Class C-2 with Sunday Sales License (new business) to expire October 1, 2003, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the application of William Pebbles & Chris Manning, dba B.C., 415 Nicollet Mall, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire October 1, 2003, and having held a public hearing thereon, now recommends that said license and the following conditions be sent forward without recommendation:

a. all Federal, State and City laws, rules and regulations of the concerning alcoholic beverage sales and consumption will be followed.

b. the licensee will not operate as a teen nightclub/alternative establishment.

c. a minimum standard of B.C. security staff will be in place which will ensure the safety of all persons in and directly around the establishment. At present, a minimum staff will consist of nine persons and the security staff will provide only security type services and not be involved in the serving of food and drinks.

d. patrons will only be allowed access to the ground and second floors.

e. all garbage within 100 feet of the establishment will be picked up at the end of each business night.

f. the security staff will walk through the adjoining parking lots and alleyway and take appropriate measures to ensure no loitering takes place in these areas.

g. all patrons of the establishment will be met by security staff at the door after 7:00 p.m. each business night and proper identification must be checked to ensure underage persons are not allowed into the establishment.

h. final inspection and compliance with all provisions of applicable codes and ordinances.

Biernat moved to amend the report by deleting the language "sent forward without recommendation" and inserting in lieu thereof the word "approved". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 11; Nays, 1 as follows:

Yeas - Niziolek, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Goodman.

Declining to Vote - Benson.
Passed October 25, 2002.
Approved October 25, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.
(Published October 29, 2002)

PS&RS - Your Committee, having under consideration the application of Johnnie Entertainment LLC, dba Sportsmans Pub, 2124 Como Av, for an On-Sale Wine Class D with Strong Beer License (new business/change from on-sale beer) to expire April 1, 2003, now recommends that said licenses be granted, subject to the following conditions:

- a. a central air conditioning unit or equivalent shall be installed by June 1, 2003.
- b. music, singing and karaoke noise shall not emanate beyond the confines of the premises so that it will not disturb the peace and quiet of the residents of any dwelling unit. Complying with said condition shall include closing doors and windows when necessary.
- c. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.
Declining to Vote - Benson.
Passed October 25, 2002.
Approved October 29, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the application of Deep Dish Inc, dba Cafe Bicko - Green Mill Pizza, 4501 France Av S, for an On-Sale Liquor Class C-1 with Sunday Sales License (new business) to expire October 1, 2002, and having held a license hearing thereon, now recommends that said license be denied.

Adopted. Yeas, 11; Nays, 1 as follows:
Yeas - Niziolek, Goodman, Lane, Biernat, Johnson, Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.
Nays - Zimmermann.
Declining to Vote - Benson.
Passed October 25, 2002.
Approved October 29, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for liquor, wine and beer licenses:

Off-Sale Liquor, to expire October 1, 2003

D T B Corporation, dba Greenway Liquor, 105 W Grant St;
International Catering Inc, dba International Catering, 275 Market St, Suite C25;
Lowry Liquor Store Inc, dba Lowry Liquor Store, 2426 2nd St NE;

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2003

International Catering Inc, dba Atrium Cafe at International Market Square, 275 Market St;
Fine Line Music Ventures Inc, dba Fine Line Music Cafe, 318 1st Av N;
Lee Consultants Ltd, dba Sticks, 708 1st St N;

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2003

Hexagon Bar Inc, dba Hexagon Bar, 2600 27th Av S, 1st floor;

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2003

Campus Partners Inc, dba Sally's, 712 Washington Av SE;
Medich Enterprises Inc, dba Library Bar & Grill, 1301 4th St SE;
German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE;

On-Sale Liquor Class C-1 with Sunday Sales, to expire October 6, 2002

D'Amico Catering Inc, dba Cafe Lurcat Bar Lurcat, 1624 Harmon Pl (temporary expansion of premises, October 5 & 6, 2002, 7:00 a.m. to 2:00 a.m., on sidewalk outside bar);

On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2003

Mirviss Israel, dba Sunny's, 2944 Chicago Av;

On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2003

J D Hoyt's Inc, dba J D Hoyt's, 301 Washington Av N;

Two Mac Inc, dba Mackenzie, 918 Hennepin Av;

Megusta Mexican Cuisine Inc, dba Megusta Mexican Restaurant, 1507 E Lake St;

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2003

Loon Cafe Inc, dba Loon Cafe, 500 1st Av N;

Fanagle Enterprises Inc, dba Eli's Bar & Grill, 1225 Hennepin Av;

Sumick Inc, dba Lyle's, 2021 Hennepin Av;

Original Broadway Station Inc, dba Broadway Station, 2025 River Rd N;

Lai Wong Inc, dba Red Dragon Inn, 2116 Lyndale Av S;

Streamline Bar Inc, dba Jimmy's Steak & Spirits, 3675 Minnehaha Av;

Stand Up Frank's Inc, dba Stand Up Franks, 2027 2nd St N, 1st floor;

On-Sale Wine Class E with Strong Beer, to expire April 1, 2003

Noodle Shop Company – Minnesota Inc, dba Noodles & Company, 233 Cedar Av (sidewalk cafe expansion);

Boughatsa Inc, dba Gardens of Salonica New Greek CA, 19 5th St NE;

Temporary On-Sale Wine

De LaSalle High School, dba De LaSalle High School, One De LaSalle Dr (October 12, 2002, 6:00 p.m. to 11:00 p.m.);

Off-Sale Beer, to expire April 1, 2003

Laurel B Enterprises Inc, dba House of Hanson, 433 14th Av SE;

A to Z Gas Stop Inc, dba A to Z Gas Stop #2, 800 W Lake St;

Hammad Food Inc, dba More Valu Food, 2600 Cedar Av;

A to Z Gas Stop Inc, dba A to Z Gas Stop, 3050 1st Av S;

Wadi Rami A, dba Best Food Market, 3756 Nicollet Av;

Taylor-Wood Inc, dba Jubilee Foods, 5025 34th Av S;

Diamond Lake 1994 LLC, dba Cub Foods, 5937 Nicollet Av;

Brandvold Loyd, dba Penn Station, 2203 44th Av N;

Kinhdo Plus Corporation, dba Kinhdo Restaurant, 2755 Hennepin Av;

Temporary On-Sale Beer

Lake Superior Water Trail Association, dba Outdoor Adventure Expo, 309 Cedar Av (November 7, 2002, 4:00 p.m. to 10:00 p.m.; November 8, 2002, 4:00 p.m. to 10:00 p.m.; November 9, 2002, 9:00 a.m. to 6:00 p.m.; and November 10, 2002, 9:00 a.m. to 6:00 p.m.).

Adopted. Yeas, 11; Nays none.

Declining to Vote - Biernat, Benson.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of October 25, 2002, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 268306):

Place of Amusement Class A; Place of Amusement of Class B-1; Place of Amusement Class B-2; Dry Cleaner - Non-Flammable; Dry Cleaning & Laundry Pickup Station; Laundry; Fire Extinguisher Servicing Class B; Caterers; Confectionery; Food Distributor; Farm Produce Permit Non-Profit; Grocery; Food Manufacturer; Restaurant; Fuel Dealer; Gasoline Filling Station; Lodging House; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Pet Shop; Recycling/Salvage Yard; Secondhand Goods Class B; Antique Dealer Class B; Exhibition Operator Class A; Sign Hanger; Skating Rink - Ice, Roller; Suntanning Facility; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Theater Zone I; Theater Zone III; Tobacco Dealer; and Valet Parking.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.
Passed October 25, 2002.
Approved October 29, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Lawful Exempt

Church of St. Albert the Great, dba Church of St. Albert the Great, 2836 33rd Av S (Bingo & raffle October 27, 2002 at 3200 E 29th St);

American Swedish Institute, dba American Swedish Institute, 2600 Park Av (Raffle January 13, 2003).

Adopted. Yeas, 13; Nays none.
Passed October 25, 2002.
Approved October 29, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the On-Sale Wine Class A with Strong Beer License held by Vannandy's Restaurant & Nightclub Inc, dba Vannandy's Restaurant & Nightclub, 3003 27th Av S, and having received notification from the State of Minnesota Department of Revenue that Vannandy's has an outstanding tax liability, now recommends that said license renewal be denied and the licensee immediately discontinue business within the City of Minneapolis until a tax clearance certification is obtained from the State.

Adopted. Yeas, 12; Nays none.
Declining to Vote - Benson.
Passed October 25, 2002.
Approved October 29, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the Heating, Air Conditioning and Ventilation License held by Silvernail Enterprises, 6603 36th Av N, Robbinsdale, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing for failure to call for required inspections; allowing persons without competency cards to work on job sites; and accumulating numerous code violations and reinspections, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee shall pay an administrative fine in the amount of \$2,000 for failing to obtain the required inspections. Said fine shall be stayed for a period of one year provided there are no similar violations.

b. the licensee agrees to meet with the Inspections and License Departments in six months to determine whether the number of code violations and reinspection requirements have been reduced. If the number of code violations and reinspections have not reduced, the licensee understands that his company will be subject to further action against the license.

c. the licensee understands that he will pay administrative fines in the amount of \$100 for each occasion an individual is discovered working without the required competency card. Should this violation occur within the first year, the licensee shall pay the \$2,000 administrative fine for past violations as well as a new fine in the amount of \$100.

d. the licensee agrees to call for required inspections the same day the work is to be completed and will be present at each inspection to answer for any code violations that are noted. The licensee understands that he will pay a minimum administrative fine in the amount of \$100 for each job site that he fails to call for the required inspection. Should this violation occur within the first year, the licensee shall pay the \$2,000 administrative fine for past violations as well as the new fine in the amount of \$100.

Adopted. Yeas, 13; Nays none.
Passed October 25, 2002.
Approved October 29, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having received a report on the Minneapolis/Hennepin County Collaborative on Vacant, Boarded and Tax Forfeit Buildings and Properties, now recommends that the interim report summary as set forth in Petn No 268305 on file in the Office of the City Clerk be received and filed.

Your Committee further recommends that the proposed Memorandum of Understanding between Hennepin County and the Minneapolis Community Development Agency be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a contract with the Board of Education, Special School District No 1, for the Police Department to provide Liaison Officers to middle schools, high schools or selected K-8 schools during the period July 1, 2002 to June 30, 2003, for an amount not to exceed \$609,410, payable from revenues collected from a crime levy tax levied for taxes payable in calendar year 2002.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$125,000 and execute a grant agreement with the United States Department of Justice, Office of Community Oriented Policing Services, to provide funds to the Police Department to strengthen police integrity through training and program development to enhance the Department's early intervention system.

Your Committee further recommends passage of the accompanying Resolution appropriating \$125,000 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-381

By Biernat and Johnson

Amending The 2002 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-A012) by \$125,000 and increasing the Revenue Source (030-400-A012 - Source 3210) by \$125,000.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee, having under consideration the Violence Against Women Act Grant that awarded \$66,482 to the Police Department and City Attorney's Office to improve evidence collection, prosecution case review and victim assistance for domestic violence crimes, now recommends that the proper City Officers be authorized to execute an amendment to the grant agreement with the State of Minnesota, Department of Public Safety, Office of Crime Victim Services, to extend the grant period to February 15, 2003 to permit the City additional time to expend the entire grant award.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee recommends acceptance of the bid received on OP #5947 (Petn No 268308) submitted by Foster and Freeman, Ltd, for an estimated initial expenditure of \$64,739, to furnish and deliver a computerized video document examiner to the Police Department, all in accordance with City specifications.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee recommends passage and summary Resolution adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 268311.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Colvin Roy moved to substitute the following resolution for the above-mentioned resolution.
Seconded.

Adopted by unanimous consent.

Resolution 2002R-382, adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-382

By Colvin Roy

Adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 268311.

Whereas, a public hearing was held on October 17, 2002 in accordance with Section 509.465 of the Minneapolis Code of Ordinances to consider the proposed assessments as shown on the proposed assessment rolls on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessment for the property identified as 671 15th Av NE, Property ID No. 14-029-24-12-0007 be reduced by \$995.00 from \$5995.00 to \$5000.00;

That the proposed assessment for the property identified as 947 18 ½ Av N, Property ID No. 12-029-24-33-0062 be reduced by \$285.00 from \$3135.00 to \$2850.00;

That the proposed assessments against the affected properties on the Water Service Line Repair List, dated October 4, 2002 set forth in Petn No 268311 in the total amount of \$563,277 as shown on the proposed assessment roll on file in the Office of the City Clerk and revised to \$531,411 as a result of the above reductions and prepayments received, be and hereby are adopted and levied;

That the proposed assessment for the property identified as 2009 Portland Av S, Property ID No. 35-029-24-22-0055 be reduced by \$1178.50 from \$12,963.50 to \$11,785.00;

That the proposed assessments against the affected properties on the Sewer Service Line Repair List, dated October 4, 2002 set forth in Petn No 268311 in the total amount of \$112,172.95 as shown on the proposed assessment roll on file in the Office of the City Clerk and revised to \$110,994.45 as a result of the above reduction, be and hereby are adopted and levied.

Be It Further Resolved that the assessments for properties identified as 4315 Fremont Av N, Property ID No. 04-029-24-12-0073, 620 Madison St NE, Property ID No. 14-029-24-42-0066, and 3212 3rd Av S, Property ID No. 03-028-24-13-0005 be collected in ten (10) successive equal annual principal installments beginning on the 2003 real estate tax statements with interest charged at the rate of 8%;

Be It Further Resolved that the assessments for all other properties be collected in five (5) successive equal annual principal installments beginning on the 2003 real estate tax statements with interest charged at the rate of 8%.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of said assessment rolls to the Hennepin County Auditor.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends passage and summary publication of the accompanying Resolution adopting and levying the assessments for the removals of snow and ice from public sidewalks on the list of properties set forth in Petn No. 268311.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-383, adopting and levying the assessments for the unpaid charges for the removals of snow and ice from public sidewalks, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-383

By Colvin Roy

Adopting and levying the assessments for the unpaid charges for the removals of snow and ice from public sidewalks on the list of properties set forth in Petn No 268311.

Whereas, a public hearing was held on October 17, 2002 in accordance with Chapter 8, Sections 12 and 13 of the Minneapolis City Charter to consider the proposed assessments as shown on the proposed assessment rolls on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessments against the affected properties on the list dated September 5, 2002 set forth in Petn No 268311 in the total amount of \$953.72 and as shown on the proposed assessment rolls on file in the Office of the City Clerk be and hereby are adopted and levied.

Be It Further Resolved that the assessments in the total amount of \$953.72 be collected in one (1) installment on the 2003 real estate tax statements with interest.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of said assessment rolls to the Hennepin County Auditor.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends passage and summary publication of the accompanying Resolution adopting the assessments, levying the assessments and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 268311.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Colvin Roy moved to substitute the following resolution for the above-mentioned resolution.
Seconded.

Adopted by unanimous consent.

Resolution 2002R-384, adopting the assessments, levying the assessments and adopting the assessment rolls for the repair and construction of public sidewalks, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-384

By Colvin Roy

Adopting the assessments, levying the assessments and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 268311.

Whereas, a public hearing was held on October 17, 2002 in accordance with Chapter 8, Sections 12 and 13 of the Minneapolis City Charter to consider the proposed assessments as shown on the proposed assessment rolls on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis:

That the proposed assessment for the property identified as 4346 44th Av S, Property ID No 07-028-23-41-0056 be reduced by \$150.00 from \$661.37 to \$511.37;

That the proposed assessment for the property identified as 4049 Girard Av N, Property ID No 04-029-24-13-0082 be reduced by \$450.00 from \$2129.60 to \$1679.60;

That the proposed assessment for the property identified as 3528 Colfax Av S, Property ID No 04-028-24-41-0137 be reduced by \$313.73 from \$463.73 to \$150.00;

That the proposed assessment for the property identified as 2813-17 Hennepin Av S, Property ID No 33-029-24-43-0031 be reduced by \$1299.64 from \$2559.64 to \$1260.00;

That the proposed assessments against the affected properties on the list dated September 5, 2002 set forth in Petn No 268311 in the total amount of \$1,150,360.10 and as shown on the proposed assessment rolls on file in the Office of the City Clerk and revised to \$1,139,269.49 as a result of the above reductions and prepayments received, be and hereby are adopted and levied.

Be It Further Resolved that the assessments of more that \$1500 be collected in ten (10) successive equal annual principal installments beginning on the 2003 real estate tax statements with interest.

Be It Further Resolved that the assessments of more that \$150 up to \$1500 be collected in five (5) successive equal annual principal installments beginning on the 2003 real estate tax statements with interest.

Be It Further Resolved that the assessments of \$150 or less be collected in one (1) installment on the 2003 real estate tax statements with interest.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, to whom was referred an ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing* to facilitate City Council directions of August 23, 2002 to allow cars to park as soon as the street has been fully plowed, now recommends that said Ordinance be given its second reading for amendment and passage.

Your Committee further recommends summary publication of the above-described ordinance.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-165 amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, amending Sections 478.980, 478.1000 and 478.1020, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2002-Or-165

By Lilligren

Intro & 1st Reading: 9/27/2002

Ref to: T&PW

2nd Reading: 10/25/2002

Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 478.980 of the above-entitled ordinance be amended to read as follows:

478.980. Definitions. As used herein, the terms (a) "vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks; (b) "street" or "highway" is the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic; (c) "fully plowed" shall mean that snow emergency plowing has been completed to the full width of that side of the street for which parking is prohibited by this chapter.

Section 2. That Section 478.1000 (a), (b) and (c) of the above-entitled ordinance be amended to read as follows:

478.1000. Snow emergency parking restrictions. (a) Upon the declaration of a snow emergency by the city engineer and the chief of police, no person shall stop, stand, park or leave any vehicle or permit it to stand upon any street or highway which is a posted "snow emergency route" ~~for~~ until the street has been fully plowed, but such restrictions are not to exceed a period of eleven (11) hours from the effective time of the declared snow emergency.

(b) For a period of twelve (12) hours beginning at 8:00 a.m. on the morning next following such declaration of a snow emergency or until the street has been fully plowed, vehicle parking on streets and highways other than posted "snow emergency routes" shall be prohibited on the side of the street or highway with odd-numbered addresses in winter seasons that begin in odd-numbered years and on the side of the street with even-numbered addresses in winter seasons that begin in even-numbered years. This paragraph shall not apply to the Minneapolis parkway system.

(c) For a period of twelve (12) hours beginning at 8:00 a.m. on the second morning following such declaration of a snow emergency or until the street has been fully plowed, vehicle parking on streets and highways other than posted "snow emergency routes" shall be prohibited on the side of the street or highway with even-numbered addresses in winter seasons that begin in odd-numbered years and on the side of the street with odd-numbered addresses in winter seasons that begin in even-numbered years. This paragraph shall not apply to the Minneapolis parkway system.

Section 3. That Section 478.1020 (d) and (e) of the above-entitled ordinance be amended to read as follows:

478.1020. Winter parking in special parking districts.

(d) During winter seasons beginning in an odd-numbered year and ending in an even-numbered year, parking shall be prohibited in such special parking districts on that side of the street with odd-numbered addresses for a period of twelve (12) hours beginning at 8:00 a.m. on the day following the declaration of a snow emergency or until the street has been fully plowed and shall be prohibited in such special parking districts on that side of the street with even-numbered addresses for a period of twelve (12) hours beginning at 8:00 a.m. on the second day following the declaration of a snow emergency or until the street has been fully plowed.

(e) During winter seasons beginning in an even-numbered year and ending in an odd-numbered year, parking shall be prohibited in such special parking districts on that side of the street with even-numbered addresses for a period of twelve (12) hours beginning at 8:00 a.m. on the day following the declaration of a snow emergency or until the street has been fully plowed and shall be prohibited in such special parking districts on that side of the street with odd-numbered addresses for a period of twelve (12) hours beginning at 8:00 a.m. on the second day following the declaration of a snow emergency or until the street has been fully plowed.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends that the special assessments for the project and charges listed below, originally adopted as referenced below, be amended and the assessment rolls as prepared by the City Engineer be adopted.

Your Committee further recommends passage and summary publication of the accompanying Resolutions.

1. Field Regina Area Street Lighting Project, Special Improvement of Existing Street No 2216, originally adopted in Resolution 2001R-065, passed February 16, 2001; \$2,806,289.85 principal (reduced by \$1,318,873.89, from \$4,125,163.74, due to reduction in final cost); 20 installments for assessments of more than \$150 – Levy 01026 Project 2216L; 1 installment for assessments of \$150 or less – Levy 01026 Project L2216.
2. Hennepin (Franklin-Groveland) Street Lighting Project, Special Improvement of Existing Street No 2217, originally adopted in Resolution 2001R-132, passed April 6, 2001; \$13,962 principal (reduced by \$2,798, from \$16,760, due to reduction in final cost); 20 installments for assessments of more than \$150 – Levy 01026 Project 2217L; 1 installment for assessments of \$150 or less – Levy 01026 Project L2217.

3. Central Neighborhood Phase III Street Lighting Project, Special Improvement of Existing Street No. 2218, originally adopted in Resolution 2001R-101, passed March 23, 2001; \$381,353.04 principal (reduced by \$31,646.96, from \$413,000 due to reduction in final cost); 20 installments for assessments of more than \$150 – Levy 01026 Project 2218L; 1 installment for assessments of \$150 or less – Levy 01026 Project L2218.
4. Washington Av N Reconstruction Lighting Project, Special Improvement of Existing Street No 6600, originally adopted in Resolution 2000R-438, passed October 5, 2000; \$191,400.30 principal (reduced \$183,171.10, from \$374,571.40 due to project cost reduction); 20 installments for assessments of more than \$150 – Levy 01026 Project 6600L; 1 installment for assessments of \$150 or less - Levy 01026 Project L6600.
5. Golden Valley Rd Street Lighting Project, Special Improvement of Existing Street No 6596, originally adopted in Resolution 2000R-231, passed May 19, 2000, \$80,725 principal (reduced \$33,478.50 from \$114,203.50 due to project cost reduction); 20 installments for assessments of more than \$150 – Levy 01026 Project 6596L; 1 installment for assessments of \$150 or less – Levy 01026 Project L6596.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolutions 2002R-385, 2002R-386, 2002R-387, 2002R-388, and 2002R-389, Field Regina Area, Hennepin (Franklin-Groveland), Central Neighborhood Phase III, Washington Av N Reconstruction, and Golden Valley Rd Street Lighting Projects, reduce special assessments and adoption of amended assessment rolls to reflect final project cost, were passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. Complete copies of these resolutions are available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2002R-385

By Colvin Roy

Amending Resolution 2001R-065 entitled “Field Regina Area Street Lighting Project Special Improvement of Existing Street No. 2216. Ordering the work to proceed and adopting the special assessment for the Field Regina Area Street Lighting Project”, passed February 16, 2001.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to change the special assessments for the project and charges, as follows:

\$2,806,289.85 principal (reduced by \$1,318,873.89, from \$4,125,163.74, due to reduction in final cost);

20 installments for assessments of more than \$150 - Levy 01026 Project 2216L; and

1 installment for assessments of \$150 or less - Levy 10126 Project L2216.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-386

By Colvin Roy

Amending Resolution 2001R-132 entitled “Hennepin (Franklin-Groveland) Street Lighting Project Special Improvement of Existing Street No 2217. Ordering the work to proceed and adopting the special assessment for the Hennepin (Franklin-Groveland) Street Lighting Project”, passed April 6, 2001.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to change the special assessments for the project and charges, as follows:

\$13,962 principal (reduced by \$2,798, from \$16,760, due to reduction in final cost);
20 installments for assessments of more than \$150 - Levy 01026 Project 2217L; and
1 installment for assessments of \$150 or less - Levy 01026 Project L2217.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-387

By Colvin Roy

Amending Resolution 2001R-101 entitled “Central Phase III Area Lighting Project Special Improvement of Existing Street No. 2218. Ordering the work to proceed and adopting the special assessment for the Central Neighborhood Phase III Street Lighting Project”, passed March 23, 2001.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to change the special assessments for the project and charges, as follows:

\$381,353.04 principal (reduced by \$31,646.96, from \$413,000 due to reduction in final cost);
20 installments for assessments of more than \$150 - Levy 01026 Project 2218L; and
1 installment for assessments of \$150 or less - Levy 01026 Project L2218.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-388

By Colvin Roy

Amending Resolution 2000R-438 entitled “Washington Av N Reconstruction Lighting Project Special Improvement of Existing Street No 6600. Ordering the work to proceed and adopting the special assessment for the Washington Av N Reconstruction Lighting Project”, passed September 29, 2000.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to change the special assessments for the project and charges, as follows:

\$191,400.30 principal (reduced \$183,171.10, from \$374,571.40 due to project cost reduction);
20 installments for assessments of more than \$150 - Levy 01026 Project 6600L; and
1 installment for assessments of \$150 or less - Levy 01026 Project L6600.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.
Approved October 29, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-389
By Colvin Roy

Amending Resolution 2000R-231 entitled “Golden Valley Rd Street Lighting Project Special Improvement of Existing Street No 6596. Ordering the work to proceed and adopting the special assessment for the Golden Valley Road Lighting Project”, passed May 19, 2000.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to change the special assessments for the project and charges, as follows:

\$80,725 principal (reduced \$33,478.50 from \$114,203.50 due to project cost reduction);
20 installments for assessments of more than \$150 - Levy 01026 Project 6596L; and
1 installment of assessments of \$150 or less - Levy 01026 Project L6596.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends the appointment of the following persons to serve on the Dinkytown Special Service District Advisory Committee, for a two year term beginning on October 25, 2002 and ending October 25, 2004. Once the advisory committee meets, staff may return with additions and modifications to the services provided in the Dinkytown Special Service District.

Irv Hershkovitz	1412 5th Street Southeast
Scott J. Johnson	1315 4th Street Southeast
Daniel E. Zielske	411 14th Street Southeast
Jim Shadko	1413 4th Street Southeast
Jennifer Mink	1501 University Avenue Southeast
Terrie M. May	1323 4th Street Southeast
Barry Bosoid	1313 5th Street Southeast

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends appointment of the following persons to serve on the Nicollet Avenue South Special Service District Advisory Committee, for a two year term beginning on October 25, 2002 and ending December 31, 2002:

Ali Alowonle
Monsoor Alyeshmerni
Tom Berthiaume
Joanne Christ
Georgine Danner
Stephen Frenz
Paul Richard Prenevost
Stephen Wellington Jr.
Dianne Woelm

Once the advisory committee meets, staff may return with additions and modifications to the services provided in the Nicollet Av. South Special Service District Advisory Committee Uptown Special Service District:

Adopted. Yeas, 13; Nays none.
Passed October 25, 2002.
Approved October 25, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.
(Published October 29, 2002)

T&PW - Your Committee having under consideration Light Rail Transit - Traction Power Substation, now recommends approval of the proposed architectural screening plans for Traction Power Substations (TPSS) 10 and 13, as indicated in the Aesthetic Review Package for the City dated September 20, 2002 for TPSS #10 and October 9, 2002 for TPSS #13 on file with the City Engineer.

Adopted. Yeas, 13; Nays none.
Passed October 25, 2002.
Approved October 25, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.
(Published October 29, 2002)

T&PW - Your Committee having under consideration Energy Tracking and Analysis Program, now recommends that the proper City officers be authorize to enter into an agreement with Xcel Energy for an amount not to exceed \$15,000 for services provided under the Info-wise Monitor and Monitor Plus programs.

Adopted. Yeas, 13; Nays none.
Passed October 25, 2002.
Approved October 29, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends that the proper City officers be authorized to execute Amendment No 1 to Agreement No 17493, with Wayne Pieske, for an additional \$15,000 for a new total not to exceed \$65,000, to provide computer support services for the Equipment Division's M4 management system and Public Works Domain network.

Adopted. Yeas, 13; Nays none.
Passed October 25, 2002.
Approved October 29, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends that the proper City officers be authorized to solicit proposals for engineering services to develop a traffic signal timing plan for the Minneapolis Central Business District (CBD).

Adopted. Yeas, 13; Nays none.
Passed October 25, 2002.
Approved October 29, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget – Your Committee recommends passage and summary publication of the accompanying Resolution adopting the special assessments for payable 2003, levying the special assessments and adopting the assessment roll for the Lyn/Lake Parking Facilities.

Adopted. Yeas, 13; Nays none.
Passed October 25, 2002.
Approved October 29, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Resolution 2002R-390, adopting the special assessments for payable 2003, levying the special assessments and adopting the assessment roll for the Lyn/Lake Parking Facilities, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-390
By Colvin Roy and Johnson

Adopting the special assessments for payable 2003, levying the special assessments and adopting the assessment roll for the Lyn/Lake Parking Facilities.

Whereas, Minnesota Statutes, Section 459.14 (Automobile Parking Facilities) authorizes the City of Minneapolis to acquire property interests, construct parking facilities, operate and maintain parking facilities and finance parking facilities through special assessments levied against benefited properties; and

Whereas, the City of Minneapolis has approved the establishment of parking facilities in the Lyn/Lake area, as more particularly described in Resolutions 98R-129 passed April 24, 1998 and 98R-186 passed May 22, 1998 and in Petn Nos 263708 and 263799 on file in the Office of the City Clerk; and

Whereas, any shortfall gap between parking facilities revenue and parking facilities expenditures is to be assessed to properties benefited by the parking facilities; and

Whereas, the City Engineer has recommended the amount to be specially assessed for payable 2003 to be \$130,925, all as contained in Petn Nos 268220 and 268312 on file in the Office of the City Clerk; and

Whereas, a public hearing was held on October 17, 2002 in accordance with Minnesota Statutes, Section 459.14 and Minnesota Statutes, Chapter 429 to consider the proposed special assessments for payable 2003 as shown on the proposed assessment roll on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special assessments for payable 2003 in the total amount of \$130,925 as on file in the Office of the City Clerk be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 2003 real estate tax statements without interest charges.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration Light Rail Transit - conveyance of 4th Street/Chicago Av parking lot, now recommends that the proper City officers be authorize to execute the necessary documents to convey the portions of PID #26-029-24-12-0079 that are required for the Hiawatha Light Rail Transit Line to the Minnesota Department of Transportation at no cost; said parcel to be specifically identified by a metes and bounds description provided by the State Highway Department prior to the execution of the conveyance deed.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration an Agreement and Release between GFI America Inc. for services in connection with the municipal sewer system serving GFI's facility located at 2817 Blaisdell Avenue South, Minneapolis, Minnesota, now recommends passage and summary publication of the accompanying resolution:

a) Authorizing the proper City official to enter into an Agreement and Release with GFI America, Inc. for services in connection with the municipal sewer system serving GFI's facility located at 2817 Blaisdell Avenue South, Minneapolis, Minnesota.

b) Increasing the Sewer Rental Fund Public Works Sewer Maintenance Fund by \$5,106.50 for the receipt of expenses sustained or incurred by the City prior to and up to December 31, 2002.

c) Designating the Sewer Rental Fund Public Works Sewer Maintenance Fund for the receipt of any additional payments from GFI America, Inc. per the Agreement.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-391, authorizing an Agreement and Release between GFI America, Inc. and The City of Minneapolis for inspection and cleaning services in connection with the municipal sewer system serving GFI's facility, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-391
By Colvin Roy & Johnson

Authorizing An Agreement and Release between GFI America, Inc. and The City of Minneapolis for inspection and cleaning services in connection with the municipal sewer system serving GFI's facility.

Resolved by The City Council of The City of Minneapolis:

That the proper city official be authorized to enter into an Agreement and Release with GFI America, Inc. for services in connection with the municipal sewer system serving GFI's facility located at 2817 Blaisdell Avenue South, Minneapolis, Minnesota.

Be It Further Resolved that the Sewer Rental Fund Public Works Sewer Maintenance Fund (7300-630-6350-CC30) be increased by \$5,106.50 for the receipt of expenses sustained or incurred by the City prior to and up to December 31, 2002.

Be It Further Resolved that the Sewer Rental Fund Public Works Sewer Maintenance Fund (7300-630-6350-CC30) be designated for the receipt any additional payments from GFI America, Inc. per the Agreement.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the East Calhoun Neighborhood Bicycle Racks, now recommends passage and summary publication of the accompany Resolution increasing the Public Works-Transportation Capital Agency appropriation by \$13,500 for said project, to be reimbursed by the Neighborhood Revitalization Program.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-392
By Colvin Roy & Johnson

Amending the 2002 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Capital Improvement appropriation for the PW-Transportation Capital Agency in the Permanent Improvement Fund (4100-943-9470) by \$13,500 and increasing (4100-943-9470) the revenue source 3845 by \$13,500 to be reimbursed by Neighborhood Revitalization Program.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids in accordance with City specifications. (Petr No 268312):

a) OP #5966, low bid of Monette Construction Company, Inc., in the amount of \$82,500 for construction of Loring Greenway Playground; and

b) OP #5956 Global Specialty Contractors, Inc., in the amount of \$217,576.08 for West Side Improvement Project - East Grant Street.

Your Committee further recommends that the proper City officers be authorized to execute contracts for the above projects and/or services, in accordance with City specifications, contingent on approval of the Civil Rights Department.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the contract with NRG for yard waste and leaf processing, now recommend that the proper City officers be authorized to continue the contract with NRG to accept leaves from the City, that the existing contract have an increased allowed limit to reflect the costs expected through the remainder of the 2002 yard wastes season in the amount of \$500,000.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the South Transfer Station now recommends, that the proper City officers be authorized to extend the contract to August 1, 2003, under the same terms and conditions and dollar limitations to existing contract, for the operations with Waste Management, Inc.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee recommends that proper City officers be directed to execute Amendment No. 1 to a Joint Powers Agreement between the City and Metro Council (Contract No. 98-020) authorizing the Metro Council to purchase buses for the Downtown Circulator using the City's Nicollet Mall Shuttle Grant, by increasing the number of buses to be purchased from five to eight, increasing the amount to be reimbursed from Grant funds from \$2.4 million to \$2.9 million and increasing the Metro Council's share for the local match from \$600,000 to \$725,000.

Your Committee further recommends passage of the accompanying Resolution appropriating \$500,000 to the PW - Transportation Capital Agency in the Federal Grants Fund, amending the 1999 Capital Resolution, for the purchase of additional busses.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-393
By Colvin Roy & Johnson

Amending the 1999 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Transportation Capital Agency in the Federal Grants Fund (0300-943-9480) by \$500,000 and increasing the revenue source (0300-943-9480 - source 3210) by \$500,000, said funds to be paid to the City by the Federal Transit Administration from FTA Grant Number MN-03-0045.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee, having under consideration the claim of Elizabeth Lewis, et al. regarding injuries from a fall on ice in a City owned parking lot at 50th and Ewing Av S, now recommends concurrence with the recommendation of the City Attorney that the City release all claims in the matter in exchange for payment to the claimants by the co-defendant's insurance company the amount of the settlement, and that the proper City officers be authorized to execute any documents necessary to effectuate said settlement.

Your Committee further recommends that all City departments and agencies be directed to ensure that the City Attorney's Office reviews all contracts for the construction and/or maintenance of parking lots, or other contracts where the City has agreed to undertake activities which may result in City liability; further that the City should be listed as an additional insured party in any such agreement and that the City will be notified if said insurance is canceled.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the City Attorney be authorized to appoint Ms. Dana Banwer as Deputy City Attorney, Criminal Division, at Step "C" of the Appointed Officials Compensation Schedule.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute change orders to the following contracts for additional work required on the Convention Center Project, payable from the Convention Center Site Agency in the Permanent Improvement Projects Fund (4100-975-9751):

a) Change Order #6 to Contract #15225 with Twin City Acoustics, increasing said contract by \$1,390, for a new contract total of \$1,217,517;

b) Change Order #21 to Contract #15156 with Kellington Construction, Inc., increasing said contract by \$90,483, for a new contract total of \$19,687,661;

c) Change Order #11 to Contract #15224 with Premier Electrical Corporation, increasing said contract by \$120,620, for a new contract total of \$16,365,264;

d) Change Order #4 to Contract #15261 with Grazzini Brothers & Company, increasing said contract by \$13,871, for a new contract total of \$337,254.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 29, 2002)

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Director of Human Resources that the position of Committee Clerk be reclassified to reflect that the points for that position are increased from 295 to 308, and that the current incumbents to that position, Amy Stegora-Peterson and Suanne Jensen, be reclassified accordingly, all to be effective May 20, 2002.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the new salary rate for the reclassified position.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-166 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the reclassified position of Committee Clerk, was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2002-Or-166

By Johnson

1st & 2nd Readings: 10/25/2002

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes:

AFSCME LOCAL 9 (CAF)**Effective May 20, 2002**

Job Code	Salary Grade	FLSA OTC	Classification title	P	3-Month rate	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step	7th Step
02260C	6	N2	Committee Clerk - C	H	16.518	17.570	18.545	20.246	20.971	21.682	22.421	23.250

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends approval of the executive summary of the collective bargaining agreement between the City and the International Brotherhood of Electrical Workers, Local #292 - Electricians Unit and that the proper City officers be authorized to prepare and execute a collective bargaining agreement consistent with the terms of said executive summary.

Your Committee further recommends that the Director of the Human Resources Department be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration a request from the Chief Information Officer to increase the scope within certain Information and Technology Services (ITS) master contracts beyond the maximum scope limit of \$250,000, now recommends that the proper City officers be authorized to amend the following contracts to increase the authorized limit, all within the existing department budget:

a) Contract No. C-164-3806 with On-Demand Group, scope for Thomas Hielsberg to a new limit of \$576,000; and

b) Contract No. C-1643810 with On-Demand Group, scope for Scott Young to a new limit of \$550,000.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into a three-year contract with Hennepin County to provide technical services in the production of *A Public Health Journal*, a bi-weekly program providing information on health related issues of concern to Minneapolis residents. The cost to the City of providing assistance is returned by revenue from the program.

Your Committee further recommends passage of the accompanying resolution increasing the Information and Technology Services Agency appropriation to reflect revenue anticipated for the first year of the contract.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-394

By Johnson

Amending The 2002 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Telecommunications and Media Services Agency in the General Fund (0100-880-8892) by \$18,000 and increasing the revenue source (0100-880-8892 - Source 3225) by \$18,000.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration the New Central Library Project and bids for the deconstruction of the former library facility, now recommends acceptance of the low bid of F.M. Frattalone Excavating and Grading, Inc. in the amount of \$1,248,000 for furnishing and delivering all material, labor, equipment and incidentals necessary to accomplish the Contract #1, Abatement/Demolition, all in accordance with the plans, specifications and addenda prepared by Architectural Alliance and entitled "Minneapolis Central Library and Planetarium Deconstruction" and as further outlined in Petn No 268316 on file in the Office of the City Clerk. Further that the proper City officers be authorized to execute a contract for said project all in accordance with the specifications.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 29, 2002)

W&M/Budget - Your Committee, having under consideration the Water Works Ultrafiltration Plant Project that is included in the Capital Improvement Program and having been informed that the City has an opportunity to receive below market financing for the project through a federal program if the City's 2003 capital funding is approved, now recommends:

a) Approval of the 2003 Capital Budget Request for the Water Ultrafiltration Plant project in the amount of \$20,000,000;

b) Passage of the accompanying resolution increasing the appropriation for the Water Capital Agency in the amount of \$20,000,000 to be financed by a loan from the Minnesota Public Facilities Authority (PFA);

c) That the City Finance Officer be authorized to submit an application to participate in the Drinking Water Revolving Fund program for the initial and subsequent phases of the Ultrafiltration Project;

d) Passage and summary publication of the accompanying resolution requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis General Obligation bonds in the amount of \$20,000,000 for said project;

e) Passage and summary publication of the accompanying resolution declaring the City's official intent to reimburse expenditures related to the Ultrafiltration Plant project by incurring tax exempt debt, pursuant to IRS Treasury Regulations.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 29, 2002)

Resolutions 2002R-395, 2002R-396, and 2002R-397, increasing the appropriation for the Water Works Ultrafiltration Plant Project in the amount of \$20,000,000, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis General Obligation bonds in the amount of \$20,000,000 for the project and declaring the City's official intent to reimburse expenditures related to the Ultrafiltration Plant project by incurring tax exempt debt, pursuant to IRS Treasury Regulations was passed October 25, 2002 by the City Council and approved October 25, 2002 by the Mayor. Complete copies of these resolutions are available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2002R-395

By Johnson

Amending the 2002 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Water Capital Agency in the Water Revenue Fund (7400-950-9515) by \$20,000,000 for early adoption of the 2003 Capital Budget Request for the Ultrafiltration Plant project which will be financed by a loan from the Minnesota Public Facilities Authority, as required to apply and participate in the Drinking Water Revolving Fund program in 2002.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-396

By Johnson

Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis General Obligation debt in the amount of \$20,000,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis General Obligation debt in the amount of \$20,000,000, the proceeds of which are to be used for the design and construction of the Water Department's Ultrafiltration Water Treatment Plant. Debt service will be paid for by Water Service fees collected in the Water Enterprise fund.

Be It Further Resolved that the Board of Estimate and Taxation, in conjunction with the above and prior debt authorizations for the Ultrafiltration Plant project, issue and sell a \$27,400,000 City of Minneapolis General Obligation Note to the Minnesota Public Facilities Authority as required for participation in the Drinking Water Revolving Fund.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-397

By Johnson

Declaring the City's official intent to reimburse up to \$27,400,000 of expenditures related to the Water Ultrafiltration Plant project.

Resolved by the City Council of the City of Minneapolis:

That pursuant to IRS Treasury Regulations Section 1.150-2, the City of Minneapolis hereby declares its official intent to reimburse up to \$27,400,000 of expenditures related to the Water Ultrafiltration Plant project by incurring tax exempt debt of the City. The expenditures to be reimbursed include all preliminary expenses for planning, design, legal, consulting services and staff costs reasonably allocated to the project as well as costs incurred for the design and construction of the Ultrafiltration Plant project. The reasonably expected source of funds to pay debt service on the tax exempt debt to be issued consists of water service fees collected in the Water enterprise fund.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having received a report outlining the condition of the Minneapolis Employees Retirement Fund (MERF) and the Minneapolis Police Relief Association (MPRA) and recommending the issuance of City bonds to finance a portion of the City's 2003 obligation to the pension funds, now recommends passage and summary publication of the accompanying resolutions requesting the Board of Estimate and Taxation to act as agent in awarding \$25,000,000 and \$10,600,000 in general obligation pension bonds, the proceeds of which are to be used to finance a portion of the City's MERF and MPRA pension obligations through December 31, 2003, consistent with the Mayor's 2003 budget recommendation.

Adopted. Yeas, 11; Nays, 2 as follows:

Yeas - Niziolek, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Benson, Goodman.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolutions 2002R-398 and 2002R-399, requesting the Board of Estimate and Taxation to act as agent in awarding general obligation pension bonds, the proceeds of which are to be used to finance a portion of the City's Minneapolis Employees Retirement Fund (MERF) and Minneapolis Police Relief Association (MPRA) pension obligations through December 31, 2003 was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. Complete copies of these resolutions are available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2002R-398

By Johnson

Requesting the Board of Estimate and Taxation to act as agent in awarding general obligation pension bonds for the City's obligation to the Minneapolis Employees Retirement Fund (MERF).

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to act as agent on behalf of the City Council to award general obligation pension bonds in the amount of \$25,000,000 for the City's MERF obligations through December 31, 2003.

Adopted. Yeas, 11; Nays, 2 as follows:

Yeas - Niziolek, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Benson, Goodman.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-399

By Johnson

Requesting the Board of Estimate and Taxation to act as agent in awarding general obligation pension bonds for the City's obligation to the Minneapolis Police Relief Association (MPRA).

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to act as agent on behalf of the City Council to award general obligation pension bonds in the amount of \$10,600,000 for the City's MPRA obligations through December 31, 2003.

Adopted. Yeas, 11; Nays, 2 as follows:

Yeas - Niziolek, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Benson, Goodman.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having received a report setting forth the recommendations of the Implementation Committee regarding the New Central Library Project and recommending that the City concur with approval of the following:

- a) Accept the Schematic Design for the New Minneapolis Central Library;
 - b) Authorize the Project Coordinator to proceed with the design development phase of the project;
 - c) Direct the Project Coordinator to resolve issues pertaining to the difference in first floor elevation between the building and site during the design development phase;
 - d) Accept the Schematic Design Project Budget of \$134,465,000 (as further presented in Petn No 268316 on file in the Office of the City Clerk) and request that the New Central Library Implementation Committee return upon conclusion of the design development phase or earlier if necessary with any recommendation for amending said project budget based upon the status of the project's capital campaign pledges and contributions;
 - e) Passage and summary publication of the accompanying resolution requesting the Board of Estimate and Taxation to incur indebtedness and issue and sell City of Minneapolis General Obligation Bonds authorized by referendum in the amount of \$110,000,000, the proceeds of which are to be used to finance previous and future eligible project costs;
 - f) Accept the project schedule, as presented in Petn No 268316;
 - g) Passage and summary publication of the accompanying resolution outlining terms and conditions of the agreement(s) relating to the operation of a parking facility and authorizing execution of said agreements (subject to and conditioned upon acceptance by the Library Board of all obligations and liabilities, including financial obligations, associated with operating said parking facility), and requesting the Board of Estimate and Taxation to incur indebtedness and issue and sell City of Minneapolis General Obligation Bonds to be supported by parking revenues in an amount up to \$10,100,000, the proceeds of which are to be used to finance previous and future eligible expenses related to the design and construction of two levels of parking under the Central Library Project;
 - h) Passage of the accompanying resolution increasing the parking facility project appropriation by \$10,100,000 to be reimbursed by New Central Library Ramp parking bond proceeds;
- now recommends that the matter be sent forward without recommendation with direction to the Planning Department to work with the New Central Library Project Team to reach a resolution on outstanding issues relating to the project.

Johnson moved that the report be divided so as to consider separately Sections e), f), g) and h).
Seconded.

Adopted upon a voice vote.

W&M/Budget - Your Committee, having received a report setting forth the recommendations of the Implementation Committee regarding the New Central Library Project now recommends that the City concur with approval of the following:

e) Passage and summary publication of the accompanying resolution requesting the Board of Estimate and Taxation to incur indebtedness and issue and sell City of Minneapolis General Obligation Bonds authorized by referendum in the amount of \$110,000,000, the proceeds of which are to be used to finance previous and future eligible project costs;

f) Accept the project schedule, as presented in Petn No 268316;

g) Passage and summary publication of the accompanying resolution outlining terms and conditions of the agreement(s) relating to the operation of a parking facility and authorizing execution of said agreements (subject to and conditioned upon acceptance by the Library Board of all obligations and liabilities, including financial obligations, associated with operating said parking facility), and requesting the Board of Estimate and Taxation to incur indebtedness and issue and sell City of Minneapolis General Obligation Bonds to be supported by parking revenues in an amount up to \$10,100,000, the proceeds of which are to be used to finance previous and future eligible expenses related to the design and construction of two levels of parking under the Central Library Project;

h) Passage of the accompanying resolution increasing the parking facility project appropriation by \$10,100,000 to be reimbursed by New Central Library Ramp parking bond proceeds.

Lane moved that the report be amended by adding passage of a Resolution entitled "Considering budget shortfalls relating to construction of the New Central Library". Seconded.

Adopted upon a voice vote.

The divided report, as amended, was adopted.

Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolutions 2002R-400, 2002R-401, 2002R-402 and 2002R-403 requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis General Obligation Bonds in the amount of \$110,000,000 to finance the New Central Library project costs, outlining terms and conditions of the agreement(s) relating to the operation of a parking facility for the New Central Library Project and authorizing execution of agreements and requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis General Obligation Bonds to be supported by parking revenues in an amount up to \$10,100,000 for the design and construction of two levels of parking under the Central Library Project, increasing the parking facility project appropriation by \$10,100,000 to be reimbursed by future parking bond proceeds and considering budget shortfalls relating to construction of the New Central Library, were passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. Complete copies of these resolutions are available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2002R-400

By Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$110,000,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$ 110,000,000 for the design and construction of the New Central Library project as authorized by special referendum passed in November of 2000.

Be It Further Resolved that pursuant to IRS Treasury Regulations Section 1.150-2, the City of Minneapolis hereby declares it's official intent to reimburse up to \$110,000,000 of expenditures related to the New Central Library project by incurring tax exempt debt of the City. The expenditures to be

reimbursed include all preliminary expenses for planning, design, legal, consulting services and staff costs reasonably allocated to the project as well as costs incurred for removal and relocation of the existing facility and design and construction of the New Central Library. The reasonably expected source of funds to pay debt service on the tax exempt bonds to be issued consists of property taxes authorized by special referendum in November of 2000.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-401

By Johnson

Outlining terms and conditions relating to the City of Minneapolis New Central Library Parking Ramp and Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$10,100,000 for certain purposes other than the purchase of public utilities.

Recitals

The Library Board of the City of Minneapolis ("Library"), in partnership with the City of Minneapolis ("City"), is currently planning and constructing its New Central Library on the site bounded by Third and Fourth Street and Hennepin and Nicollet Avenue (the "Library Project").

The City has determined that there is a need to provide off-street parking in the North Nicollet Mall area, more specifically underneath the Library Project. The Library desires that the City issue bonds and construct a new approximately 280-space ramp under the Library Project (the "Ramp Project"). If necessary the Library will lease to the City the necessary land in order to construct the Ramp Project. The City and Library have determined that the most efficient means of designing and constructing the Ramp Project is to add the Ramp Project to the scope of work included in the Library Project, and to allocate a portion of the total cost of construction, including soft costs, to the Ramp Project by means of an allocation memorandum to be generated by the Library Project construction manager and approved by the City's Director of Transportation and Parking Services.

In addition, the City and Library have determined that the Library will be responsible for all areas of operation relating to the parking ramp, including maintenance, repairs, setting rates and collecting revenues. The Library will pay to the City as an annual operating fee an amount equal to the City's cost of repayment of the bonds issued in connection with the Ramp Project, plus an up front operating deficit payment of approximately \$2.0 million from funds other than the \$110 million City of Minneapolis referendum bonds to be issued in connection with the Library Project.

Upon making its final operating fee payment to the City (currently scheduled for 2028), the City will transfer ownership of the parking ramp to the Library for the sum of \$1.00.

Resolution

In consideration of the foregoing Recitals, which are hereby adopted, be it

Resolved by The City Council of The City of Minneapolis:

1. That the City Attorney's Office draft operating and other agreements necessary and appropriate to implement the above-recited terms and that proper City and Library officials be authorized and directed to execute such agreements;

2. That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis parking bonds in the amount of \$ 10,100,000 for the design and construction of the New Central Library Parking Ramp project.

Be It Further Resolved that pursuant to IRS Treasury Regulations Section 1.150-2, the City of Minneapolis hereby declares it's official intent to reimburse up to \$10,100,000 of expenditures related to the New Central Library Parking Ramp project by incurring tax exempt debt of the City. The expenditures to be reimbursed include all preliminary expenses for planning, design, legal, consulting services and staff costs reasonably allocated to the project as well as costs incurred for the design and construction of the New Central Library Parking Ramp project. The reasonably expected source of funds to pay debt service on the tax-exempt bonds to be issued consists of parking ramp revenues.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-402

By Johnson

Amending The 2002 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the Capital Appropriation in the Library Board - Capital Improvement Agency in the Library - Permanent Improvement (4400-908-9081) by \$10,100,000 for the New Central Library Parking Ramp project, to be reimbursed by New Central Library Ramp parking bond proceeds.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-403

By Lane

Considering budget shortfalls relating to construction of the New Central Library.

Whereas, the City of Minneapolis and the Minneapolis Public Library are engaged in a partnership to construct the new Central Library; and

Whereas, the new Central Library Project budget assumes that approximately \$12 million in private donations will be raised to defray a portion of the construction cost; and

Whereas, in the event that this fundraising target is not met, either at the Project's completion or at decision points in design and/or construction, the Library Board and the City will have to address whether certain aspects of the proposed construction must be cancelled, reduced or deferred in order to stay within resources which are available at that time for the construction and furnishing of the new Central Library; and

Whereas, at the time such decision to cancel, reduce or defer aspects of the new Central Library must be made, the ultimate extent of the success of the private fundraising campaign may be uncertain; and

Whereas, the Memorandum of Understanding between the City and the Library Board setting forth the roles and responsibilities relating to the construction of the New Central Library does not specifically address how possible budgetary shortfalls will be reviewed by the Library Board and the City;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Memorandum of Understanding be amended to include a process to consider budget shortfalls, and standards by which budget shortfalls will be addressed by the City and the Library Board, as follows:

1. The Library Board will bear and manage the full risk of any shortfall in, or delay in receipt of, private donations, within the Library Board's approved capital budget and operating budget, consistent with the City's adopted property tax levy policy;

2. Any identified funding shortfall will not be addressed by the Library and the City through credited or waived fees, costs or charges to the Project in order to compensate for any actual or projected shortfall;

3. The City reaffirms its prior commitment to provide ongoing funds to the new Central Library Project pending receipt of bond proceeds, but will not loan money to the Project or to any party in order to meet the project budget, nor will the City underwrite any promises received by the library as a result of its private fundraising activities.

Be It Further Resolved that City staff are directed to communicate this resolution to the Library Board, for the Board's review and consideration.

Be It Further Resolved that City staff shall work with Library Board staff and new Central Library Project staff to draft appropriate amending language to the Memorandum of Understanding to implement this resolution.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having received a report setting forth the recommendations of the Implementation Committee regarding the New Central Library Project now recommends that the City concur with approval of the following:

a) Accept the Schematic Design for the New Minneapolis Central Library;

b) Authorize the Project Coordinator to proceed with the design development phase of the project;

c) Direct the Project Coordinator to resolve issues pertaining to the difference in first floor elevation between the building and site during the design development phase;

d) Accept the Schematic Design Project Budget of \$134,465,000 (as further presented in Petn No 268316 on file in the Office of the City Clerk) and request that the New Central Library Implementation Committee return upon conclusion of the design development phase or earlier if necessary with any recommendation for amending said project budget based upon the status of the project's capital campaign pledges and contributions;

Goodman moved to amend the report by deleting Item A and inserting a new Item A to read as follows:

"a) Approve a schematic design that incorporates lowering the entire building 1 foot 6 inches, lowering the reading area along the perimeter of the building along 3rd St and at the corner of Nicollet 1 foot 6 inches in a width not less than 12 feet 6 inches wide resulting in a façade elevation that is 3 feet 6 inches above sidewalk grade at the corner of 3rd St and Nicollet. An interactive streetscape will be developed to mitigate remaining urban design issues." Seconded.

Adopted upon a voice vote.

Niziolek moved to amend the report, as amended, to add an Item dd) to read as follows:

"dd) The Implementation Committee should increase consideration of transit by working closely with the Minneapolis Planning Department staff." Seconded.

Adopted upon a voice vote.

The divided report, as amended, was adopted.

Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the application of Hassan Al-mosawy, d/b/a Brothers Food Market, for a waiver from Interim Ordinance 2002-Or-070, providing for a moratorium on the establishment, reestablishment, or expansion of grocery stores and automobile convenience facilities in the C1 and C2 zoning districts between Penn and Lyndale Aves N and 26th and 44th Aves N (passed 7/26/02), to permit establishment of a new grocery store at 3453 Penn Ave N, and having conducted a public hearing thereon, now recommends that said waiver be denied, and that the findings prepared by the Planning Department staff be adopted.

Zimmermann moved to amend the report by deleting the language, "denied, and that the findings prepared by the Planning Department staff be adopted," and inserting in lieu thereof the word, "granted." Seconded.

Lost. Yeas, 4; Nays, 9 as follows:

Yeas - Benson, Zimmermann, Zerby, Johnson Lee.

Nays - Niziolek, Goodman, Lane, Biernat, Johnson, Colvin Roy, Schiff, Lilligren, Ostrow.

The report was adopted.

Yeas, 9; Nays, 4 as follows:

Yeas - Niziolek, Goodman, Lane, Biernat, Johnson, Colvin Roy, Schiff, Lilligren, Ostrow.

Nays - Benson, Zimmermann, Zerby, Johnson Lee.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the applications of Taher Ibrahim, d/b/a Gas N' Snack, for 1) a waiver from Interim Ordinance 2002-Or-070, providing for a moratorium on the establishment, reestablishment, or expansion of grocery stores and automobile convenience facilities in the C1 and C2 zoning districts between Penn and Lyndale Aves N and 26th and 44th Aves N (passed 7/26/02); and 2) a waiver from Interim Ordinance 2001-Or-027, providing for a moratorium on the establishment, reestablishment or expansion of any commercial or industrial use along W Broadway Ave from City limits on the west to the intersection of W Broadway and Girard Aves on the east, extending 150 feet on each side of the centerline of W Broadway, and including the area bounded by a 1/4 mile radius around the intersection of W Broadway and Penn Aves (passed 3/2/01, as amended), to permit re-establishment of a combination gas station and grocery/convenience store at 2600-06 Penn Ave N, and having conducted a public hearing thereon, now recommends that said waivers be granted, subject to the condition that the applicant receive Planning Department staff approval of compliance with the landscaping requirements, and that the findings prepared by the Planning Department staff be adopted.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the appeal of Steven Young from the decision of the Planning Commission denying the applications for property at 3717 W 50th St/5011 Ewing Ave S (BZZ-688) for a) variance to reduce the required front yard setback along Ewing Ave from 20 feet or the setback of the residential dwelling to the south, whichever is greater, to 10 feet for a parking lot; b) variance to exceed the maximum number of accessory parking spaces in the Pedestrian Oriented Overlay District from 24 to 28 spaces; and c) the condition of approval of site plan review stating that "the number of accessory parking spaces shall not exceed 150 percent of the minimum required parking spaces or 10 spaces, whichever is greater, as required by Section 551.140 of the zoning code," to permit an accessory parking lot for the existing shopping center, and having conducted a public hearing thereon, now recommends that said appeals be granted.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of Steven Young (BZZ-688) to rezone the property at 3717 W 50th St/ 5011 Ewing Ave S by adding the TP (Transitional Parking) Overlay District to the existing C2 and R1A Districts to permit an accessory parking lot for the existing shopping center, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-167, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3717 W 50th St/ 5011 Ewing Ave S by adding the TP (Transitional Parking) Overlay District to the existing C2 and R1A Districts was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2002-Or-167

By Schiff

1st & 2nd Readings: 10/25/2002

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of the north 60 feet of the west 128 feet of that part of Lot 1, Bull's subdivision of the Northwest Quarter of the Southwest Quarter of Section 17, Township 28, North Range 24, West lying south of West 50th Street as opened by the City and East of Ewing Avenue South (3717 W 50th St/5011 Ewing Ave S - Plate 35) to add the TP Transitional Parking Overlay District.

B. That Part of Lot 1, Bull's Subdivision of the Northwest Quarter of the Southwest Quarter of Section 17, Township 28 North Range 24 West Described as follows: All of said tract lying East of the East line of Ewing Avenue and West of the alley created by deed in Book 1407 of Deeds page 397, except the North 60 feet thereof and except the South 50 feet thereof. Being registered land as evidenced by Certificate of Title No. 820996 (3717 W 50th St/5011 Ewing Ave S - Plate 35) to add the TP Transitional Parking Overlay District. (Note that the City's property information database refers to the property as follows: That part of the North 183 3/10 feet of Lot 1 Lying East of Ewing Avenue and South of 50th Street).

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the application of Excelsior Development, LLC for a Special Permit to allow the "A - West Market" section of the Village Market building at 912 E 24th St to be occupied with market shops, notwithstanding the Zoning Code, now recommends that said application be denied (#2002-149).

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Schiff, Zerby, Lilligren, Ostrow.

Nays - Zimmermann.

Absent - Johnson Lee.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the application of First Avenue, 701 - 1st Ave N, for a Special Permit to install a 20' X 30' roof sign for purposes of promoting products and services available inside First Avenue, notwithstanding the Zoning Code, now recommends that said application be denied (#2002-138).

Adopted. Yeas, 12; Nays, 1 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Ostrow.

Nays - Johnson Lee.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of Belai Mergia (BZZ-831) to rezone the property at 3860 Minnehaha Ave S from OR1 to the C1 District to permit a coffee shop, specialty grocery store and single family residence, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-168, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3860 Minnehaha Ave S to the C1 District was passed October 25, 2002 by the City Council and approved October 29, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2002-Or-168

By Schiff

1st & 2nd Readings: 10/25/2002

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 11, 12 and 13, Block 23, Palmer's Addition to Minneapolis (3860 Minnehaha Ave S - Plate 33) to the C1 District.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the application of Abbott Northwestern Hospital (#1398) to vacate the water main and sewer line easements under Elliot Ave (vacated) from the south line of 28th St E to the north line of Hennepin County Railway Authority to accommodate the foundation of a new parking facility, now concurs in the recommendation of the Planning Commission to grant said vacation, and to adopt the findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying resolution vacating said easements.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 29, 2002)

Resolution 2002R-404, vacating water main and sewer line easements lying in the West 25 feet of Elliot Avenue (vacated) from the south line of 28th Street East to the north line of Hennepin County Railway Authority, lying east of Block 4, Avery's Chicago Avenue Addition, Minneapolis, MN, was passed October 25, 2002 by the City Council and approved October 25, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-404

By Schiff

Vacating water main and sewer line easements lying in the West 25 feet of Elliot Avenue (vacated) from the south line of 28th Street East to the north line of Hennepin County Railway Authority, lying east of Block 4, Avery's Chicago Avenue Addition, Minneapolis, MN.

Resolved by The City Council of The City of Minneapolis:

That all that part of the water main and sewer line easements lying in the West 25 feet of Elliot Avenue [vacated] from the south line of 28th Street East to the north line of Hennepin County Railway Authority, lying east of Block 4, Avery's Chicago Avenue Addition, Minneapolis, Minnesota, as retained by the City of Minneapolis in the vacation of Elliot Avenue according to a Resolution passed by the City Council on July 12, 1968, and granted by an Easement Agreement dated December 11, 1968, and recorded by the Hennepin County Recorder as Document No. 3760965, is hereby vacated.

Adopted. Yeas, 13; Nays none.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

MOTIONS

Colvin Roy moved to appoint Ray Harris, Dennis Peterson, Robert Sorenson, Larry Weisberg, Cindy Fitzpatrick and Todd Smith to the Uptown Special Service District Advisory Committee for a two year term beginning October 25, 2002, and ending October 25, 2004. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Goodman, Johnson Lee.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Lane moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Mary Beth Stotts for a residential block event to be held October 27, 2002, between the hours of 12:00 noon and 8:00 p.m. on Girard Avenue South between Minnehaha Pkwy and 53rd Street West. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Goodman, Johnson Lee.
Passed October 25, 2002.
Approved October 29, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Benson introduced an Ordinance amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Minneapolis Air Quality Management Authority*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing November 13, 2002 (Requiring Stage 1 vapor recovery for filling stations).

Benson introduced an Ordinance amending Title 13, Chapter 287 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Filling Stations and Bulk Oil Plants*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing November 13, 2002 (Requiring Stage 1 vapor recovery for filling stations).

Ostrow introduced the subject matter of ordinances amending various provisions of the Minneapolis Code of Ordinances relating to council and administrative special permits for the purpose of revising the authority and procedures for issuance of such permits which were given their first reading and referred to the Ways & Means/Budget Committee and such other Committees as to be determined.

Schiff introduced the subject matter of an Ordinance amending Title 2, Chapter 18 of the Minneapolis Code of Ordinances relating to *Administration: Purchasing*, which was given its first reading and referred to the Ways & Means/Budget Committee (Requiring successful bidders on City contracts to offer equal employee benefits to same sex domestic partners, with exceptions to small businesses and other categories).

Benson introduced the subject matter relating to *Administration: Ethics in Government*, which was referred to the Ways & Means/Budget Committee, updating the ethics policy for the City of Minneapolis.

Ostrow moved to appoint Council Member Colvin Roy to the Central Library Implementation Committee. Seconded.

Adopted. Yeas, 11; Nays none.
Absent - Goodman, Johnson Lee.
Passed October 25, 2002.

RESOLUTIONS

Ostrow, Zerby, Biernat, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Benson, Niziolek, Colvin Roy and Lane offered a Resolution honoring Minneapolis Election Judges.

Adopted. Yeas, 11; Nays none.
Absent - Goodman, Johnson Lee.
Passed October 25, 2002.
Approved October 29, 2002. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-405 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2002R-405

By Ostrow, Zerby, Biernat, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Benson, Niziolek, Colvin Roy and Lane

Honoring Minneapolis Election Judges.

Whereas, the right to vote in fair and open elections is the cornerstone of representative democracy; and

Whereas, the success and vitality of a democracy is based on elections that accurately reflect the intent of the electorate, and that every vote is counted; and

Whereas, election judges serve as gatekeepers of democracy to the voting process by upholding election laws with integrity, dignity and accuracy; and

Whereas, election judges protect and promote public trust and confidence by conducting fair, accurate and open elections; and

Whereas, many generations of Minneapolis election judges have generously provided decades of public service without formal recognition; and

Whereas, twelve hundred election judges will serve their Minneapolis community during the sixteen hour election workday on November 5, 2002;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That November 5, 2002 be hereby proclaimed:

Election Judge Appreciation Day.

Be It Further Resolved that each member of the Minneapolis City Council and the Mayor extends heartfelt appreciation for the commitment and service election judges contribute to our City.

Adopted. Yeas, 11; Nays none.

Absent - Goodman, Johnson Lee.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Biernat offered a Resolution honoring Deputy Chief William "Bill" Jones for his service to the City of Minneapolis.

Adopted. Yeas, 11; Nays none.

Absent - Goodman, Johnson Lee.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Not published. See Resolution 2002R-406 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2002R-406

By Biernat

Honoring Deputy Chief William "Bill" Jones for his service to the City of Minneapolis.

Whereas, William "Bill" Jones became a police officer for the City of Minneapolis on July 1st, 1975; and

Whereas, William "Bill" Jones became the best master a canine named "Bandit" could ever have in the early 1980's; and

Whereas, William "Bill" Jones was promoted to the rank of Sergeant of the 5th Precinct on October 26, 1986; and

Whereas, William "Bill" Jones became a Sergeant in the Juvenile Unit on March 15th, 1987; and

Whereas, William "Bill" Jones became a Sergeant in the Internal Affairs Unit on January 3rd, 1988; and

Whereas, William "Bill" Jones became only the second African American of the Minneapolis Police Department to be promoted to the rank of Inspector on September 25th, 1988; and

Whereas, William "Bill" Jones became the first African American of the Minneapolis Police Department to be promoted to the rank of Deputy Chief on June 26th, 1994; and

Whereas, William "Bill" Jones gave exceptional police service to the citizens of this great city for more than 27 years;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council congratulates and thanks Deputy Chief Jones for his dedicated service to our city, and wishes him the best of luck in the future.

Adopted. Yeas, 11; Nays none.

Absent - Goodman, Johnson Lee.

Passed October 25, 2002.

Approved October 29, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Zerby offered a Resolution requesting that the University of Minnesota Board of Regents actively involve the City of Minneapolis and the neighborhoods adjacent to the University in all phases of planning for the proposed Gophers-Vikings football stadium.

Adopted. Yeas, 11; Nays none.

Absent - Goodman, Johnson Lee.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 29, 2002)

RESOLUTION 2002R-407

By Zerby

Requesting that the University of Minnesota Board of Regents actively involve the City of Minneapolis and the neighborhoods adjacent to the University in all phases of planning for the proposed Gophers-Vikings football stadium.

Whereas, pursuant to Laws of Minnesota 2002, Chapter 397, the University of Minnesota Board of Regents (the Regents) and the Minnesota Vikings (the Vikings) are engaged in discussions relating to development of predesign and a Memorandum of Understanding (MOU or memorandum); documents between the University and the Vikings concerning the construction, ownership and operation of a joint football facility; and

Whereas, the Regents have affirmed guiding principles concerning a Gophers-Vikings stadium which include the principle to "promote physical and programmatic integration with the Twin Cities community and adjacent neighborhoods"; and

Whereas, the proposed construction and operation of a Gophers-Vikings football stadium would have profound environmental and social impacts on the neighborhoods of Marcy-Holmes, Southeast Como and Prospect Park adjacent to the Minneapolis campus ("the Neighborhoods"), including but not limited to adverse traffic, parking, noise impacts and possible adverse effects on proposed development with the University of transitional research facilities in the Southeast Minneapolis Industrial ("SEMI") area; and

Whereas, construction and operation of the proposed Gophers-Vikings stadium would likely result in significant financial impacts on the City of Minneapolis and its taxpayers, including but not limited to impacts relating to the provision of public services such as police and fire services necessary for the operation of the proposed stadium; and impacts on existing publicly owned sports facilities; and

Whereas, construction and operation of the proposed Gophers-Vikings stadium must not result in additional significant financial impacts on the City and its taxpayers, including impacts relating to construction and/or maintenance of sewer, water and roadway infrastructure improvements necessary for the operation of the proposed stadium; and

Whereas, the City of Minneapolis is in the process of developing its own sports facilities policy which includes a set of guiding principles to address the impacts of new sports facilities located in the City and this resolution in no way prejudices those principles; and

Whereas, the Regents have convened a consultant team to assist in the development of a predesign document addressing the size, scope and cost of a Gophers-Vikings stadium, as well as a memorandum document addressing the stadium operation; and

Whereas, this internal University process is expected to conclude with the Regents taking final action on a report to the Legislature which will address among other matters the status of development of the memorandum and predesign documents between the University and the Vikings concerning the design, construction, management and operation of a Gophers-Vikings football stadium without any comprehensive public input or input from the City on these critical issues; and

Whereas, important decisions by the State and the University will likely be made as a result of this internal University process which will necessarily predetermine any future actions concerning a Gophers-Vikings stadium, and which will limit or preclude any future City or neighborhood input on the impact of this new public facility on the adjacent neighborhoods, existing publicly owned sports facilities and City taxpayers in general;

Now, Therefore, Be It Resolved by the City Council of The City of Minneapolis:

That the City requests that the Board of Regents of the University of Minnesota directly consult with the City and the Marcy-Holmes, Southeast Como and Prospect Park neighborhood associations (Neighborhood Associations) as part of the University's response to the legislation concerning a Gophers-Vikings stadium.

Be It Further Resolved that the consultation between the University, the City and the Neighborhood Associations on the Gophers-Vikings stadium include, but not be limited to, inclusion of the City and the Neighborhood Associations in discussions with the consultant team developing the memorandum and predesign documents between the University and the Vikings concerning the design, construction, management and operation of a Gophers-Vikings stadium.

Be It Further Resolved that the City Coordinator is directed to assemble a staff team from the City and the Minneapolis Community Development Agency to participate on behalf of the Mayor and the City Council and that the Neighborhood Associations each be invited to send a representative to participate in the consultation process between the University and the Vikings, and to assist in the development of the memorandum and predesign documents which meet the Regents adopted principles and also address the concerns of the Neighborhoods as well as the City's concerns about impacts of the construction and operations on Neighborhoods, existing publicly owned sports facilities and City taxpayers, of a Gophers-Vikings stadium.

Be It Further Resolved that the City and the Neighborhood Associations be included as full participants in an ongoing governance structure for the operation of any such stadium.

Adopted. Yeas, 11; Nays none.

Absent - Goodman, Johnson Lee.

Passed October 25, 2002.

Approved October 25, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 29, 2002)

UNFINISHED BUSINESS

Tariq Restaurant (137 E Franklin Av): Revoke Restaurant License for failure to complete site plan review process. (Postponed 6/7/2002, PS&RS)

Auto Mart (501 W Lake St): Revoke Site Plan Review Permit SP-215 and Motor Vehicle Dealer - Used Car (Additional Lot) License for failure to complete site plan review process. (Postponed 7/12/2002, PS&RS)

Benz Auto (4056 Washington Av N): Grant Provisional Motor Vehicle Repair Garage License, subject to conditions. (Postponed 8/23/2002, PS&RS)

By unanimous consent, the above reports continued to be postponed.

Lilligren moved to adjourn. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Goodman, Johnson Lee.

Adjourned.

Merry Keefe,
City Clerk.

Created: 10/28/02
Modified: 11/1/02
Corrected: 11/05/02; 12/10/02